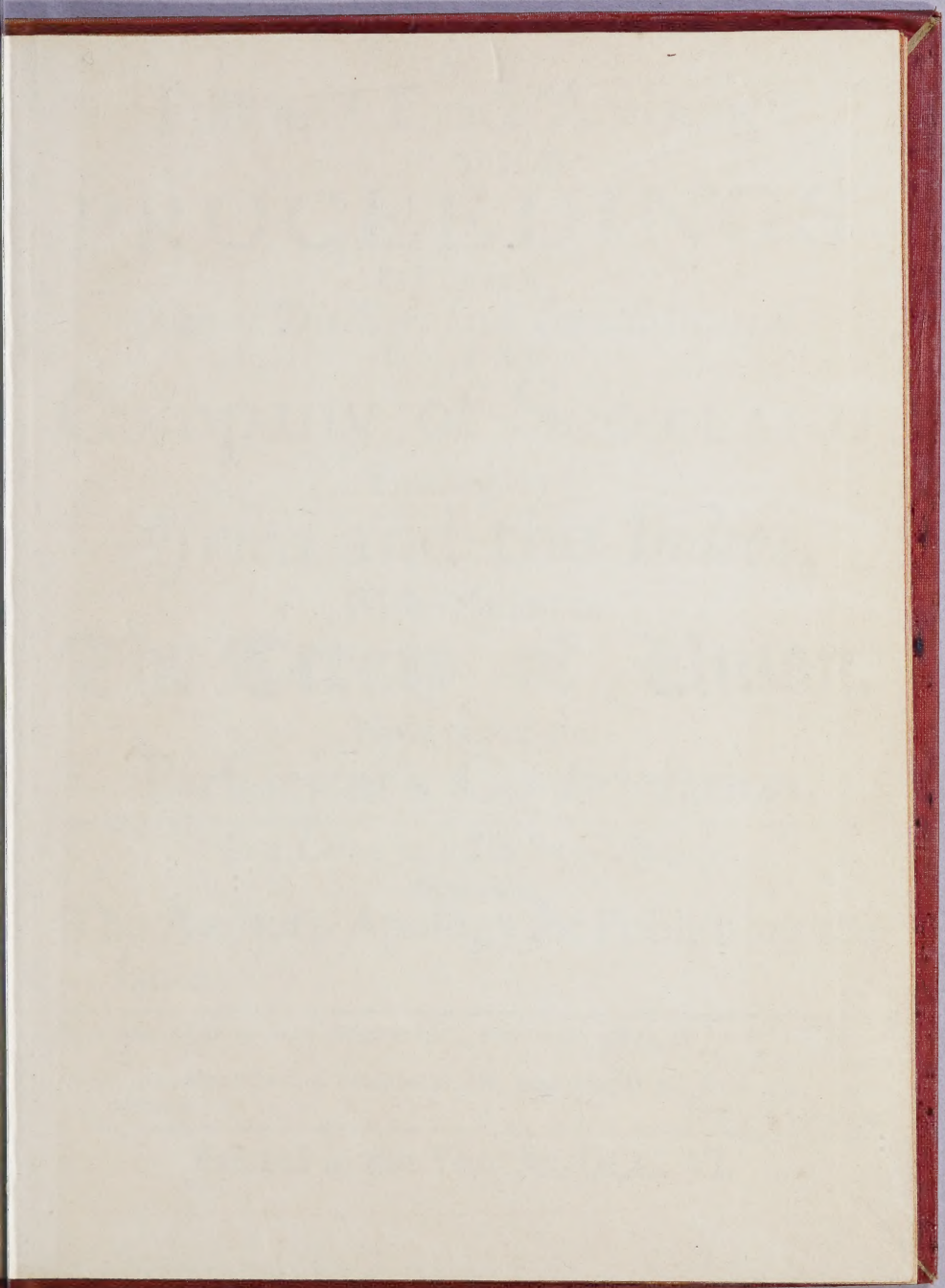
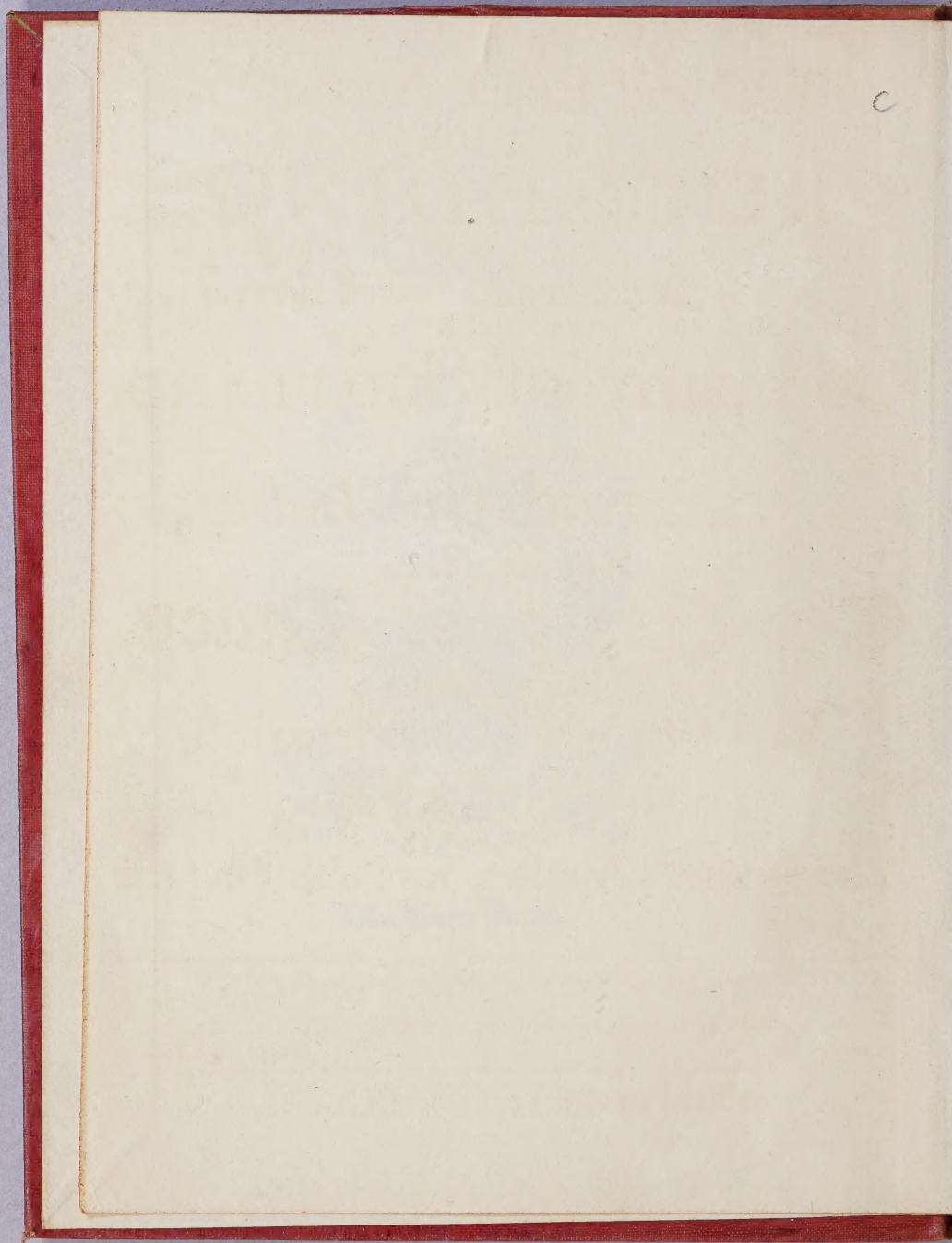




John Carter Brown.





A
Full and Exact Account
OF THE
PROCEEDINGS
OF THE
Court of Directors and Council-General
OF THE
Company of SCOTLAND
Trading to
Africa and the Indies,
With relation to
The Treaty of Union,
Now under the
Parliament's Consideration.

In a Letter to a Person of Quality.

Containing

**The Author's Apology for Publishing the
same:**

Qui non deliquit, decet audacem esse ; confidenter pro se, & protervè loqui.

*Decet innocentem servum atque innoxium, confidentem esse suum apud verum
potissimum.*

Plaut: in Amph:
Idem in Captivis.

Printed in the Year M. DCC. VI.

PROCEEDINGS

of the
COMMISSIONERS OF THE LAND OFFICE

in relation to the
LANDS OF THE
CROWN

IN THE
COURT OF COMMONS

IN A
COMMISSION

AND

PRINTED IN THE YEAR M. DC. C. LXXV.



My LORD,

YOU having, of your great Goodness and Condescension, been alwise pleas'd to allow me some Place in your Favour, ever since I had the Honour of being known to you; and having likewise had frequent Occasions to know with what Measure of Veracity, Diligence, & Integrity, I alwise endeavour'd to execute not only what belong'd immediately to my own proper Charge, but likewise such other Matters as your Lordship and some others of your Noble and Worthy Friends were pleas'd, at sundry times, to have committed to my Trust; is the Reason why I presume, upon this Occasion, to appeal to your Lordship's Testimony, and betake my self to your Protection, against the groundless Attacks of a certain Great Person, who moving in a Sphere far superior to mine, in every respect, may, peradventure, by the influence of his powerful Office, and the whisperings of his Dependents, (if not timely check'd in the Carreer) do much to blast, and insensibly ruin That, which I shall ever (at all Hazards) study, and hope to preserve untainted while I live: For tho I am not bound to be Rich, nor ever expect to be so; yet I know that I'm oblig'd to be Honest; and, perhaps, one of my most exalted Wishes is confin'd to this lowly One; That I may live and die with the deserved Character of *Poor and Honest*; alluding, in some measure, to that much more lofty One of *Horace*,

Spe, metuque procul.

Had that Great Person, when he was pleas'd to challenge my Sincerity in the discharge of my Office, thought fit to have kept himself within such a measure of Temper as became the Dignity of his Character, and not to have put me under the indispenfible necessity of justifying my Reputation, I should have been very far from the Thoughts of, either exposing my self to the hazard of entering the Lists with so great and dangerous an Adversary, or of troubling your Lordship with a tedious recital of these Matters of Fact, which gave a Rise to his surprising Passion against me; yea and against some others too at the same time, tho not so very directly. But his having pointed at me in particular, more directly than at any other person then present, brings very naturally into my Mind another Saying of *Horace*,

Quicquid delirant Reges, plectuntur Achivi.

Englished by some, tho but coarsely, thus:

When the Lady lets a F—t, the little Doggie gets a Knap.

The Moral of which, has oftner than once, upon several former Occasions been very applicable to my Case, in relation to our Company's Affairs. For thus it is, that because the generality of Mankind do commonly judge at random, by Hear-says and outward Appearances, without giving themselves the Trouble to look or enquire into the inside of either Men or Things, many People, and especially Strangers, are often grossly impos'd upon, and consequently mistaken, both as to the Temper and Inclinations of Persons stated as I am: As for Instance, There is not any one Action of my Life in which I have been more nicely Circumspect, or studied more to acquit my self, so as to be able to Answer before GOD and Man, than in my part of what concern'd the Seizure of the Ship *Worcester*, by way of Reprisal, and all that has followed thereupon, (which if need were, I am still ready to make appear, in defiance of any Man living, before any unbiass'd Court in Christendom) and yet, some persons of mercenary servile Spirits, have, for gratifying the Humours of their Patrons and Employers, taken more Occasion to traduce, and give wrongous Impressions of me on that account, to many who, I am confident, are still to this hour ignorant of the true Circumstances of that Affair, and of the real Part that I acted therein; than upon account of all the other Actions of my Life, jointly considered; which I wish I could as well answer for.

I know by too frequent Experience, that honest plain Dealing, and a frank Ingenuity, in telling bluntly the naked downright Truth, either as to Persons or Things, is so far from being now a days the most Fashionable and Successful way of Advancing a Man's private Interest or Fortune, in this politick and refin'd Age wherein our Lot is fallen; that, on the contrary, it seldom or never fails of meeting with a Return of Picque and Prejudice; yea very often with irreconcilable Enmity and Malice: Yet whatever be the Consequence, I shall alwise choose to bear with my Fate in that foolish old-fashion'd way, rather than by a stupid Silence, acquiesce tamely to the groundless Assertions of any one, that, for serving a different End, would perswade others into a Belief, That I had, at least, exceeded my Commission in the Exercise of my Office, in such manner as shall be particularly related in its proper place, and consequently had made me answerable for other Men's Actions: Yea I must own, that I'm now less inclinable than I was then, to truckle too meanly in this Particular, because that tho I gave such reasonable and convincing Answers to these Assertions at the time, as I thought gave full satisfaction to all present, and might have been sufficient to prevent the rising of
any

any further Dust on that Head: Yet since I understand; that the same Person is pleas'd to persist in making groundless Enlargements without doors on what he had formerly said to my Face, and that it is become the Subject-matter of several People's Discourse, I know not why I may not Lawfully claim the common Privilege of the meanest of Subjects, to stand on my own Defence: And if to hinder the spreading of a growing Contagion, I find it necessary to make my just Vindication as publick at least as the Charge against me, I hope my potent Adversary may after cool-thinking, be so generous as to forgive me for so doing; especially when he considers that I am not the Aggressor, and that I did nothing in that Particular at which he was so much offended, but what I was truly commanded and oblig'd to have done in the discharge of my Duty: Which being premis'd by way of Apology, I shall now proceed to the performance of what is promis'd in the Title page, and in doing thereof, I question not but that my own Innocence, shall be justified of course, to the full conviction of any unbiass'd Reader.

When it came to be known here, that the Lords Commissioners for Scotland were all arriv'd at London; That they had waited upon Her Majesty, and were order'd to prepare themselves for entering soon thereafter upon the then intended Treaty; such of the Directors of our Company as were here in Town at the time, met, and agreed upon the Form of a Letter, to be sent to every one of the said Commissioners; which was done accordingly in the following Terms.

May it please your Lordship, Edinburgh, 20th. April, 1706.
THE many repeated Injuries and Losses sustain'd by our Indian and African Company, through the undue and unfriendly Measures taken from time to time, by the Government and some of the Trading Companies of England, and the open Indignities done to our whole Nation on that account; are already so well known to your Lordship, that we think it needless at present to trouble you with the recital of them, otherwise, than to put your Lordship in mind thereof in the General. It being humbly expected, that care may be now taken at so favourable a Juncture, to have the Nation's just Grievances with relation to our Company's said Sufferings, redress'd by a suitable Recompence, and that our Company's Privileges be kept still intire: For which end, whenever we come to understand, by the favour of a Line or otherwise, that that Matter is to fall under the Consideration of your Lordship, and the other Lords, Barons, and Burgesses, appointed to Treat with Commissioners on the part of England, concerning an Union between the Two Kingdoms; we shall not be wanting in giving you and the other Treating Commissioners, full Information as to such particular Grievances and Matters of fact, as we
humbly

humbly conceive may be most properly insisted on, even in the Preliminaries of the said Treaty, if so your Lordship, and the other Commissioners on the part of Scotland think fit; so wishing a happy Issue to the whole Treaty. This is in Name, and by Warrant of the Court of Directors of our said Company, from

To the Right Honourable,
the Earl of Seafeld, Lord
High Chancellor of Scot-
land.

*May it please your Lordship,
Your Lordship's most obedient
and most humble Servant*

Ro. Blackwood Pr.

An exact sign'd Duplicate of this Letter, was sent likewise to every one of the other Commissioners, with the variation only of their respective Titles and Appellations, and Sir Robert Blackwood who sign'd them as President at the time, having Occasion to go soon thereafter to the Bath by the way of London, the Court of Directors recommended to him to wait personally on the Lords Commissioners, and to be solicitous with their Lordships about the Contents of the said Letter: But before Sir Robert had occasion to see any of them, the Earl of Stair was pleas'd to write the following Answer.

S I R,

London, May 4th. 1706.

I Have yours by order of the Directors, and I assure you the Commissioners have not been unmindful of the Company, but if you have any thing that you think proper to be represented for you, I would advise you to lose no time in representing to the Duke of Queensberry, and others that are capable to assist, what may be necessary for the Advantage of the Company; for I do not know how soon that Matter, which hath been sometimes already discoursed upon, may be finally under Consideration. If the Treaty comes to a wis'd Conclusion, I believe the Sums advanced may be repaid for acquiring the Company's Right. Tho I had no concern, you may believe me, that the Company do not want my best Wishes, and that I am,

Sir,

To Sir Robert Blackwood
Merchant in Edinburgh.

*Your very humble Servant,
Stair*

In a day or two after this Letter had been dispatched for Scotland, (the Earl knowing nothing, it seems, of Sir Robert's being arriv'd at London) Sir Robert waited upon the Lords Commissioners, and after having discoursed fully with their Lordships concerning the Affairs of our Company, he wrote the following Letter to me, to be communicated to the Court of Directors of the Company.

Mr. Roderick Mackenzie,

London, May 7th: 1706.

SIR, you may tell the Directors, their Letters to the Commissioners for Scotland were very acceptable, but said they were somewhat long in coming; however I find all I met with, much inclin'd and dispos'd to stand by the Company's Interest, at least to procure a Reimbursement of what is paid in by the Adventurers with Interest. And for that end I'm desired by the Earl of Leven, the Earl of Stair, and my Lord President of the Session, to write for an exact Account of the several Moities paid in, and what they amount to in the whole, under our Accountant's hand; and I think it will not be amiss to charge the Interest thereon till Whitsunday next: They have desired me to stay here 8 or 10 days longer, in which time the throng of their Affairs will be over, which I could not refuse; in the mean time fail not to send the foresaid Account, inclosed in a Line to the Earl of Leven by the Black-Box, with the very first Post after the receipt of this, for it cannot admit of delay; and as you love the Company's Interest, and will answer to them; fail not in this: I would also have some Overtures, or Proposals sent up in relation to a Scots Stock, either to be join'd with their East-India Company, or Separate, in case our Company be taken off, which with dutiful Respects to the Directors, not forgetting your self, is all at present from,

To Mr. Roderick Mackenzie,
Secretary to the Indian
and African Company.

Sir,

Your most humble Servant,
Ro: Blackwood.

Upon receipt of this Letter, I immediately called a Meeting of the Court of Directors, and laid before them, both the Earl of Stair's Letter to Sir Robert Blackwood, in Name of the Company, and Sir Robert's Letter to my self; upon perusal of which, the Directors agreed on the Forms of two several Letters; one to be sent to the Earl of Leven, with an Account inclos'd (as desir'd) to be communicated to all the other Lords Commissioners for Scotland, and the other to Sir Robert Blackwood; the Tenor of which were as followeth.

May it please your Lordship,

Edinburgh, May 16th. 1706.

UPON receipt of a Line from Sir Robert Blackwood, intimating to us the Sentiments and Desire of your Lordship, and such other of the Treating Commissioners as he had occasion to discourse with concerning our Company's Interest in the present Conjunction of Affairs with relation to England, our Court of Directors met, and having likewise at the same time under consideration, the Contents of a Letter which the Earl of Stair was pleas'd to write to Sir Robert Blackwood in Name of our Company; importing chiefly, That if the Treaty succeed, the Sums advanced by the Company may be paid for acquiring

ring the Company's Right; our Court of Directors order'd the inclosed Abstract of the severall Payments advanced by the Subscribers in Scotland, to be transmitted to your Lordship, for your own and the other Commissioners Information as to that Point, which we alwise understood to be a most just Demand upon England, (especially in the case of such a Treaty as is now on Foot between the two Kingdoms) considering the violent and arbitrary Measures which the English have put in practice against us both abroad and at home, wherever their Authority reached: Through which means we have lost not only a considerable Stock, and the Profits that we might have reasonably expected from the same; but likewise the Lives of many of our Country-men, &c. As to the making of any Proposal about our having an Interest in the English Companies (as Sir Robert Blackwood writes) which presupposeth a Dissolution of our own Company's Privileges, it is what we cannot take upon us, so much as to give our Consent to, upon any Account, without at least a Meeting of the General-Council of our Company, which we cannot expect to have before the 2d. Week of June at soonest, because we have not a Quorum of them now in Town. And as to the Company's resigning or transferring their Right in consideration of having the Sums advanced by the Subscribers repaid again (as the Earl of Stair writes) we know not how we might be Censured for making any such Bargain, (altho we had power so to do, as we have not) especially when we know, that, some Years ago, a particular Set of Merchants in London declared, That they would give a Million Sterling to have an unquestionable Right to our Company's Privileges. However, tho we must not presume to prescribe any thing either to your Lordship and the other Treating Commissioners, or to the ensuing Parliament in relation to the Premises, yet in all events, whether the Wisdom of the Parliament think fit to keep up our Company's Privileges, or subject them to the Pleasure of England upon the concluding of an Union; we are certain, that it cannot but be thought most reasonable, that the Nation's Losses, and Sufferings thro' the Injuries sustain'd by our Company may be compensated one way or other; which with tender of our dutiful Thanks, for the Concern that your Lordship and the other Commissioners are pleas'd to express on our Company's Account, is what offers at present, in Name and by Warrant of our Court of Directors, from

May it please your Lordship,
 Your Lordship's most obedient
 and most humble Servant
 Alex: Dundas Pr.

To the Right Honourable,
 the Earl of Leven.

SIR,
 WE had this day before us the Earl of Stair's Letter directed to you, in return to the Letter sent by the Court formerly to his Lordship, as
 one

Edinburgh, May 16th. 1706.

one of the Commissioners for Treating of an Union; as also yours of the 7th. instant to Mr. Mackenzie; we have written this night to the Earl of Leven (as you desired) a copy whereof you have above, with the Account of the Advances order'd on the Subscription of our Company, with the Interest thereof to the 1st. of June; that you may understand our Sentiments; it not being in our power (as you know) to dispose of the Company's Rights, tho' it was highly reasonable to think, that the Reparation of the Losses of our Company, occasion'd chiefly by the unfriendly and unexpected Methods of the English Government and Authority, might have been a Subject-matter in this Treaty of Union, without overturning in the least the Rights of our Company; seeing, for ought we know, none of the English Companies are by this Treaty to be invaded in the least.

Be pleas'd to wait upon the Earl of Leven, Earl of Stairs, Lord President of the Session, and the Lord Justice-Clerk, or any others of the Commissioners as you think fit, and give them the Thanks of this Board, for their acknowledgment of the receipt of our Company's Letters, and for their Concern in the Company's Affairs. This is from,

Sir,

To Sir Robert Blackwood,
 &c. at London.

Your most humble Servant,
 Alex. Dundas, Pr.

After the dispatching of these two Letters, the one by the Black-box, and the other by the common Pacquet, I never saw nor heard of any other Letter to, or from any of the Lords Commissioners, or Sir Robert Blackwood upon that subject: So that indeed (excepting only some general Hear-says about England's repaying the Stock advanced by the Company, with Interest at 5 per Cent.) I never could learn any particular Account of what pass'd in the Treaty, until I saw the Journals and Articles thereof, printed by the Parliament's Order, after its first Meeting in October last.

Upon the reading of these Articles in Parliament, on the 22d. day of the same Month, some Motions were made, and Questions were askt, with relation to the particular Concerns of the Company, which indeed gave occasion to the calling of a Court of Directors next Morning, *pro re nata*.

And a Court of Directors having met accordingly on the 23d. of October, you know (my Lord) that all these Letters were then read, and deliberately discours'd upon, for the Information of your Lordship and several other Directors then present, who happened to have been in the Country when they were written; and that thereupon, lest the Court of Directors might be thereafter tax'd of Negligence in the Company's Affairs, upon so extraordinary an Occasion, they did unanimously Resolve

to call a Meeting of the *Council-General* of the Company on *Wednesday* the 6th. day of *November* last, to have these Letters laid before them for their Approbation, and to have their Advice and Assistance in such other Matters as sh^{ou}ld be then represented to them, with relation to the Company's Interest at the time: And for making that Meeting the more frequent, I was order'd to write Circular Letters to all the Members of the *Council-General*, importing the special Occasion of their Meeting.

Your Lordship having been likewise present at that Meeting of the *Council-General*, you know that all the same Letters were again read there, and that a Motion being made for the *Council-General's* Approbation of what the Directors had written as aforesaid; it was thereupon moved again, that the Proceedings of the *Court of Directors* with relation to the Premises, should be first unanimously approved of, by Consent, without a Vote, for saving of time; and that the *Council-General* should then proceed to the Consideration of what they would think most Adviseable to be done in the present Conjunction; which being agreed to, several Motions were then made with relation to the 15th Article of the *Treaty of Union*, about the Proprietors getting a part of the Equivalent therein mentioned, upon condition of the Company's being absolutely dissolved; and several Debates arising thereupon, I remember nothing better than that (among all the other Speeches which were made upon that Occasion) *I. F.* in particular made a long Speech to this Effect, *That Scotland had a Right to Trade to all parts of the World as well as England, or any other Independent Nation; That our Company was now invested with that Right, and with many other very valuable Privileges by several Acts of Parliament; That if our Company should happen to be dissolved, upon the event of an Union, as proposed, the greatest part of that Right, with the Advantages thereof, would of course accesse to the several Trading Companies now established in England; and more especially to the English East-India Company; and that therefore to prevent Scotland's becoming liable to the Prohibitions, Restrictions, Limitations, and Regulations of these English Companies which have now regard only to England it self; it was his humble Opinion, That if these English Companies were to stand, our Company ought likewise to stand, and if it was thought necessary that our Company should fall, that their Companies should likewise fall; to the end that Foreign Trade might be equally open to all parts of the united Kingdom: Which Speech (as I understood thereafter) was very much applauded by some, and as much exploded by others present.*

The *L. P.* of the *S.* said, that he wondred how it could enter into any Man's mind to compare our Company's Case with the *English East-India Company*, who had advanced Two Millions Sterling to the Government for their Privileges, at a time when the Government stood in great need of Money. To which it was Answered, That they had 8 per Cent. Inte-

rest *per Annum* for that Money; which was good Profit, tho they had not had a Monopoly of the *East-India Trade* into the Bargain; and that there was no Reason why that Monopoly should be extended as to *Scotland* too, since they gave no manner of *Equivalent* to *Scotland* for it. The L. P. of S. replied, That it ought to be adverted to, that the said principal Sum of Two Millions advanced, was sunk for good and all, and that the Monopoly and Interest would likewise determine and cease after the expiration of some few Years yet to run; but that he could not then remember the particular number of Years. Which Point of Fact was contradicted by another Gentleman, tho but faintly at that time.

Some said, They believed the greatest part of the Proprietors would be for getting their Money; and that they could not expect to get their Money but only by the Dissolution of the Company: Others said, That the Company had a Right to be repair'd of its Losses, without being dissolved; and therefore that they were for Petitioning the Parliament to that effect; especially since (as they said) the *Council-General* had no power to consent to the giving up of the Company's Rights: To which the L. P. of S. replied, That they might depend upon it, the Parliament would neither ask nor have regard to the *Council-General's* Consent or Dissent upon that Head.

However upon the whole Matter, you know (my Lord) it was at last Resolved, That the Consideration of the Premises should be referred to a Committee consisting of Nine Counsellors, in conjunction with the *Court of Directors*, who, after having prepared a Draught of what they might think proper to be now done, or represented to the Parliament, with relation to the Premises, were appointed to report their Opinion to the next *Council-General*: Which Committee being Named accordingly, the L. P. of S. (who all along declared himself to have been against any other Representation than a bare State of the Money advanced by the Proprietors, with the Interest thereof at 5 *per cent.*) moved, That the Consideration of that Matter might be principally recommended to the Committee's care, as the only thing that could be now of any moment to the Company: Others said, That that was a particular Work by itself, which should more naturally be recommended to the Committee of Directors in constant waiting; who had already prepar'd some State thereof, then ready to be produced; whereupon the Consideration of that Matter was referred to another Committee of three Counsellors then nam'd, who, in conjunction with the said Committee of Directors in constant waiting, consisting of three likewise, were appointed to prepare a State of the Company's Stock in such manner as they should think most reasonable, to be likewise laid before the *Council-General* at their next Meeting.

In pursuance of which respective Orders of Reference; the two several Committees abovementioned met thereafter, at several times, upon the several Matters respectively to them referr'd, as will appear by their two several Reports thereupon hereafter specified.

The Grand Committee first above-named, having met the next Morning, according to appointment; several different Motions were made about the manner in which they should proceed; some being for an Address or Petition, and others for a bare Representation only, without any petitory Part: Another Member desired them to advert to what the L. P. of S. had said in the *Council-General*; to which it was answered, That if that was to have been their Rule, it was to no purpose to have appointed any such Committee: Then the same Member propos'd, That whatever should be then agreed upon, might be conceived so as not to be sign'd by the President, or any of the Company, but only printed and dispersed among the Members of Parliament, like any other indifferent Paper; which Motion was likewise over-ruled, as unworthy of the Company to do any thing but what they would own and have entred in their Records. And after having discours'd pretty fully upon both the Form and Subject-matter, they appointed a Sub-Committee, consisting of Five of their own Number, to reduce what was then propos'd in the General, into writing; which Sub-Committee, with one or two more remaining behind, after the rest were gone, they renewed their Reasoning about the Premises, and then propos'd that I should (as soon as possible) prepare some Draught of a Representation, upon the Heads then discours'd of, that the same might be some Plan for them to proceed upon: Which I then positively declin'd to do, and humbly intreated to be excus'd, for the Reasons following:

I told them, That I had already suffer'd on the Company's Account, more than I was likely to be well rewarded for in haste; That upon all Occasions I was made the common Butt of such Persons Malice, as had any Prejudice at the Company; That I had positively resolv'd to my self from the beginning, to be altogether passive, and not to meddle in any thing relating to the Union; That my being for or against it could signify nothing to any Body; That I had some certain Reasons of my own to be for it, and perhaps some Objections against it, but that I would let the one ballance the other, and so *let the Wisdom of the Nation Govern the Nation*; That I saw a greater Change and Difference of some People's Humours and Inclinations at the last Meeting of the *Council-General*, than ever I had observ'd among them upon former Occasions. And that some Persons were then present whom I had not seen there at any former Meeting these five Years past; That in all probability there would be full as much Heat and Difference among them at their next Meeting

as at the last ; That if I should set about the drawing of any Paper, upon the Subject-matter then in hand, it was impossible for me to frame it so, but that it must have displeas'd either the one Party or the other. And therefore I earnestly intreated, that they might not impose so difficult a Task upon me, especially since they themselves were not only more capable to draw such a Paper as would quadrate best with their own Minds and Inclinations, but were likewise better able to maintain and support the reasonableness thereof in a *Council-General*, and bear the burnt of it when they had done.

Notwithstanding whereof they still insisted, on the other hand, very positively, that I should prepare some Draught or other for them, to ease them of some Trouble; because (as they said) it was properly a part of my Business, and that I could more readily turn up such of the Company's Records and other Papers, as they had a mind to found upon, than they could do, who had not occasion to have had them so often through hands as I had.

I renewed my Intreaty with all the earnestness I could, that they would be pleas'd to excuse me upon this Occasion; not through any unwillingness I had to serve the Company; But on the contrary, that, beside the Injury it might do to my self, I was afraid the Interest of the Company might fare the worse for it with some People; if I should be known to have had a hand in framing any Paper that should be then offer'd on the Company's behalf: But finding at last, that there was no way for me to escape, I made a fair Capitulation with them, thus: That since it must be so, I was willing to comply with their Orders in every respect, providing they would previously condescend to two several things, *1st*. That every one then present would engage his Honour to let no body else know, that I had, or was to have had, any hand in framing the then intended Representation. And *2^{dly}*. That they would give me the Heads of it in writing, with Instructions as to the Method that I should follow in making a Draught thereof: To both which Conditions they very readily acquiesc'd.

The Chair-man of the Sub-Committee did thereupon give Orders, that I should immediately get ready Pen, Ink, and Paper, in order to write down such Heads as they were to dictate to me; which being got ready accordingly, I told them, That I did not grudge my Labour in writing at any time for the Company, but that it was improper to have these Heads, which were to be instead of Instructions to me, written with my own hand; and therefore I humbly beg'd the Favour of them, that some one of their own Number might condescend to be at the trouble of writing them, and that I would with all my heart serve them twice as much again, upon any other Occasion; to which they readily agreed likewise:
And

And so a certain Knight of the *Long-Robe* took pen in hand, and, with the Joint Consent and Assistance of the rest of the Sub-Committee, wrote Instructions for me *verbatim* as followeth.

I. To begin the Representation with the 15th. Article of the Union.

II. To narrate the Establishment of the Company, by several Acts of Parliament.

III. The great Expectation of the Nation, of the Advantages to have accrued by the said Establishment; but which was frustrate by Methods, too well known, taken by our Neighbouring Nation.

IV. That this being a Legal Right acquired to a Society, and so is the Property of the Company, as much as any Man's private Property of the Nation; as also, that more favourable Times may yet make it a publick Advantage to the Nation; therefore in discreet and submissive Terms to suggest, That the High Court of Parliament will think it just, to maintain the Rights and Privileges of the said Company, as by Law Established.

V. Then to introduce, without seeming to yield to the giving up of the Company's Privileges, the Article in the Treaty of Union relating to the Company; and subjoin the following Observations thereupon, viz. 1mo. That the Quota is not equivalent to the Damage sustain'd by the Company from the abovementioned Methods and Loss; whereby the Company is not only to be sunk, and are to quite with a Right of Property, acquired by Contract with the Natives in the Isthmus of Darien, but also the Nation thereby deprived of all Trade, in these Places, where there are Exclusive Companies in England. 2do. That by the Article, there is no sufficient Security for payment of the Equivalent, in so far as the Term of payment is not determined. 3tio. That the Company is to supercede their Rights and Privileges from the time that the Fund shall be laid on by the Parliament of England; which is not reasonable, but from the time that the Equivalent shall be paid. 4to. That the payment of the Company is postponed to the publick Debts; whereas, if not preferable, at least they should come in *pari passu*.

It's likewise to be observed, That by the Articles and Minutes, the English take 6 per Cent. of Annualrent for the Money advanced, and Annualrent upon Annualrent; whereas, the Company are only allowed 5 per Cent at simple Annualrent.

Whatever else occurs to the Secretary of the Company, may be added under the Correction of the Sub-Committee.

Yea moreover (my Lord) just as they were going out of the Room, they order'd me verbally to expatiate fully upon all these Heads; for that it was much better to be redundant than deficient; because that by having at their next Meeting a full View of every thing before them, which might

might have any relation to the Company's present Case, they might then be the better able to judge, what to keep in, and what to leave out : And therefore desired that I should contrive the first Draught to be in such distinct Paragraphs and Articles, as that, tho any one or more of them, were taken away, either by the Sub-Committee, or by the Grand-Committee, or by the Council-General, the sense might still remain intire,
&c.

Being thus set at Work, tho with much worse will (I must own) than upon some former Occasions, I endeavour'd to please them the best way I could, by getting the Draught of a Representation ready to be laid before them, at the time appointed.

Upon the Sub-Committee's first perusal thereof, some Paragraphs were amended, some quite left out, and some new ones added, and then they adjourned themselves till next Morning; ordering me, in the mean time, to draw out the Draught of the Representation according to their said Amendments *in mundo* : Which being done, and they having met (according to appointment) for reconsidering the said Draught, they made one Amendment more to the same; and then after having unanimously approved of the whole, they appointed a Meeting of the Grand-Committee, in order to have the said Draught laid before them for their Approbation thereof.

That Grand-Committee having accordingly met on *Wednesday* the 13th. of *November* last, the Draught of the said Representation, as agreed to by the Sub-Committee, was laid before them, and read once quite over; then the Sub-Committee giving an Account of the Views which they had, and the Grounds that they went upon, in making so full and particular a Narrative, and for being so special in their Observes, *&c.* the Draught was again read over, Reason'd upon, Paragraph by Paragraph, and after some small Amendments, Voted, Agreed to, and Approved of. Whereupon I was then ordered to acquaint all the Members of the *Council-General* by Circular Letters, to meet on *Wednesday* the 20th of *November* last, in order to have the said Representation laid before them, for their Approbation and Concurrence : The other particular Committee in constant waiting, having likewise a Report about the Company's advanced Stock, ready to be laid before the *Council-General* at the same time.

The *Council-General* having accordingly met on the said appointed Day, the first thing done of course (after choosing of a President) was Reading the Minutes of the immediate preceding Meeting; against which nothing was then said : So the President ask'd, If there was a Report ready from any of the Committees mention'd in these Minutes? Whereupon one of the Directors said, That their Committee had fully considered the

Matter

Matter referred to them, and had, as their Opinion, prepared the Draught of an humble Representation to be made by this Council-General to the Parliament, concerning the Company's present Case: Which Draught was then presented, and read, *verbatim*, as followeth:

To His Grace Her Majesty's High Commissioner, and the Right Honourable the Estates of Parliament.

T H E

Humble Representation of the Council-General of the Company of Scotland Trading to Africa and the Indies.

WE the Council-General of the Company of *Scotland*, Trading to *Africa* and the *Indies*, Finding that by the 15th Article of the *Treaty of Union*, agreed upon by Commissioners nominated by Her Majesty on behalf of the Kingdom of *Scotland*, with Commissioners nominated likewise by Her Majesty on behalf of the Kingdom of *England*, there is a special Stipulation made, That out of the Sum of 398085 *lib. 10 sh.* to be, upon the event of such Union, advanced by *England*, in such manner, and for such Uses, as are therein mentioned, the Stock advanced by us and our Constituents, at 5 per Cent per Annum, from the respective Times of Payment thereof, shall be paid, for and in Consideration of the absolute Dissolution of our Company, do think ourselves bound in Duty to our Country and Posterity in general, and to our Constituents in particular, not to be silent upon this Occasion; and do therefore humbly represent, That as, by the 8th Act of the 5th Session of King *William's* Parliament, and Letters Patent under the Great Seal of this Kingdom following thereupon, Our Company is established with as large, ample, and legal Rights, Privileges and Immunities, as any other Trading Company whatsoever does enjoy; so upon the Publick Faith thereof, both Natives of all Ranks, and Foreigners of several Nations, were induced to become Part-Adventurers in our Company's Joint Stock, till that by reason of an *Address* presented by the Parliament of *England* to His late Majesty, on the 17th of *December* 1695, several subsequent *Resolves* made by the *English* House of *Commons*, on the 21st of *January* thereafter, and of a *Memorial* presented by the *English* Resident to the Senate of *Hamburg*, on the 7th of *April* 1697, together with certain other Methods too well known, not only many Eminent Foreign Merchants in *London*, *Holland* and *Hamburg*, but likewise several

veral *Scotsmen* residing in these Parts, were, contrary to the Law of Nations, as well as contrary to the particular Rights of our Company, forced to relinquish their Subscriptions and Engagements for Sums far exceeding our Subscriptions of 400000 *l. Sterl.* here in *Scotland*: By which means (beside the many other Inconveniencies arising to us thereby) the largeness of our Preparations, upon the reasonable View which we then had of the Assistance abovementioned, for a more extended Trade than could be well carried on, with our own private Stock, became a very heavy burden upon us.

Yet notwithstanding these Discouragements, the most considerable part of the *Nobility, Gentry, Merchants,* and whole Body of the *Royal-Burrows* of this Kingdom, being once deeply engag'd, the Preparations for our first intended Expedition being then far advanced, and relying still on the publick Faith of a special Clause in the said Act of Parliament and Letters patent, by which it is provided, *That if, contrary to the said Rights, Liberties, Powers, Privileges and Immunities, any Damage or Prejudice in any sort, be done to the Ships, Goods, Merchandize, Persons or other Effects whatsoever, belonging to our Company, the Royal Authority is engag'd to interpose, for obtaining Restitution, Reparation, and Satisfaction to be made for the same; and that upon the publick Charge;* we did with a great deal of Trouble and Expence, in the Year 1698, make a very valuable Settlement; by the Name of *Caledonia*, on the Isthmus of *Darien* on the Continent of *America*, situated most Commodiously for an Universal Trade, as having a very near Communication between the North and South Sea; and that by solemn Contracts, and particular Agreements with the Natives; by which we have still as just and Legal a Right to the Property of the said Settlement, as any Kingdom, Potentate or State, in *Europe* ever had to any of their Settlements and Plantations in *America*.

But while we were making Preparations, for sending the needful Supplies of Men and all other Necessaries, to our said Colony, and had previously sent them Letters of Advice, with a considerable Credit, by our Correspondents in the *English* Plantations; we were much surpriz'd to find, That by reason of very unaccountable Proclamations, issued by the several Governours of the said respective Plantations, our said Letters and Credit were intirely stopt; our People denied the common Benefit of Wood and Water; and fearing thereby to be wholly abandon'd to themselves, made them run a desperate Course, in deserting the said Settlement, before our Supplies reached there; which, together with a second Edition of Proclamations of the same Nature, issued by the same Governours, 4 or 5 Months after the former, and certain other manifest Acts of Violence, did to the great Loss of our Company in particular,

and of the whole Nation in general, render likewise our second and third Expeditions thither ineffectual, as depending chiefly on finding our first Colony still settled there before them.

In the mean time, the Estates of Parliament having, by their unanimous Address of the 5th of August 1698, to his late Majesty, after mentioning the General Trade of the Nation, Recommended the Concerns of our Company to more special marks of the Royal Favour, as declaring it to be that Branch of the Trade of this Kingdom, in which they and the whole Nation, whom they represented, had a more peculiar Interest; and having likewise in the same Address, most earnestly intreated His Majesty to take effectual Measures, for vindicating the Rights and Privileges of our Company, and for supporting the Credit and Interest thereof; and that Address having been likewise seconded thereafter, by several subsequent National Addresses, from all Parts of the Kingdom, full of Zeal and Concern for the Support of our Company, gave us ground to hope in time, for a more favourable Aspect of our Company's Circumstances, till that, by an Address of the English House of Lords, presented to His late Majesty in February 1700, we too plainly discover'd the Fountain from which all our Misfortunes did chiefly proceed; as may further appear more evidently by four unanimous Resolves past in Parliament here, on the 10th and 13th days of January 1701, and by the Parliament's Address to His late Majesty, on the 17th of the same Month, pursuant to the said four Resolves.

But however, for preserving so valuable a Constitution, till a more happy Opportunity might offer, for prosecuting the Company's just Designs more effectually, all the Heads, Clauses, Articles and Privileges, contain'd in the aforesaid Act of Parliament and Letters Patent, are, by the 13th Act of the 8th and 9th Sessions of King William's Parliament, ratified and confirmed, and all Temporary Privileges and Immunities granted to the Company, are continued for the space of 9 Years longer, after the expiring of the respective Times allotted by their first Establishment.

The Company's Stock being thus brought very low, that which seem'd then most feasible to those who had the Administration of the Company's Affairs entrusted to them for the time (considering the general Scarcity of Money in the Country) was only, to set about the bringing such as had been deficient in their Payments, upon an equal footing, with the other Joynt-Adventurers, who had made prompt Payment; and to keep up the Face and Constitution of a Company, till better times, by granting Permissions to such as had a mind to Trade, with the Communication of the Company's Privileges and Immunities, for such a reasonable Premium as 5 per Cent or thereabouts: But while several Persons, both Natives and Foreigners, were making Proposals, some of them actually

actually engag'd, and others in Treaty for adventuring very considerable Stocks in that manner, it's well known what violent Methods and other indirect Means were practis'd, for discouraging any Undertakings that way, as particularly in the Case of our Company's Ship *The Annahdale*, which is fully represented by our Company's Petition to the Parliament on the 11th of *August 1704*.

But as Her present Majesty Queen *Ann*, soon after Her happy Accession to the Throne, was by Her Royal Letter of the 21st of *April 1702*, to the Parliament, in answer to their aforesaid Address of the 17th of *January 1701*, graciously pleas'd to regret our Company's said Losses and Disappointments, as being a great Prejudice and Loss to the whole Kingdom; and therefore promised to concur chearfully in any thing that could be reasonably propos'd, for our Company's Reparation and Assistance; and that our Company should have Her Royal Countenance and Protection in all its just Designs and Concerns; So likewise Her Majesty by the 8th Act of Her Parliament 1703, was graciously pleas'd not only to express Her Royal Sense of the many Obstructions, Losses, and Disappointments which our Company had met with, from time to time, in the Prosecution of our lawful Endeavours, for advancing the Interest of so National a Concern, and assured us of Her Royal Countenance and Protection, but did also, by that Act ratify, approve and confirm, all former Acts and Letters Patent in our Company's Favours, in all the Heads, Articles and Conditions thereof; and withal declared further, That as the Company was legally empower'd to grant Licences to others, so all Persons and Ships Trading by vertue thereof, should be as fully intitled to all the Privileges and Immunities of the Company, as if the absolute Property of both Ship and Cargo did entirely belong to the Company. Upon the Faith whereof, several Persons renewed their Applications to the Company for such Licences; but have for the most part been ever since in Suspense, waiting from time to time, to see the Consequences of this Treaty of Union, as they did formerly during the Dependence of the first Treaty, which was set on foot, in the beginning of Her Majesty's Reign.

All which above recited Matters of Fact being most manifest and undeniably true; we humbly conceive, That our Company has not only, by the Law of Nations, a most just and equitable Demand upon England, for the aforesaid Losses, but likewise a special Right, by the above narrated Clause of the foresaid Acts of Parliament, and Letters Patent, to have the same made effectual to us, at the Publick Charge, by Interposition of the Royal Authority; and moreover that, even after obtaining thereof, our Company is invested with as Legal a Right to subsist, as any other Company or Incorporation in Britain: And that Right being now our Company's Property, it is not doubted but that the High Court of

Parliament, will in their great Wisdom have a just and equitable Regard thereto. So that upon the whole Matter we humbly crave leave for the Information of your Grace and the Right Honourable Estates of Parliament, to make the few following Observes, on that part of the said Treaty of Union, which does more immediately relate to the Concerns of our Company.

1^{mo}. The Quota allotted by the 15th Article of the said Treaty, to be paid to us and our Constituents, out of the Equivalent therein mention'd, can never be thought adequate to the great Losses and Damages sustain'd by our Company, through the violent and undue Methods abovemention'd, and to the absolute Dissolution of our Company too: Because thereby, not only would our Company lose its Privileges, Immunities and Right of Property aforesaid, but the Nation likewise (of which our Constituents are no inconsiderable Part) would, of Course, be deprived of its Natural Right and Liberty of Trading to any of all these Places that are within the respective Charters and Limits of all the exclusive Companies in England. For

2^{do}. It is evident, that upon the Supposition of our Company's being so dissolved, contrary to our said Right, the whole Nation is thereby barr'd from Trading any where beyond the Cape of Good Hope: that vast Trade being already, by Act of Parliament in England, circumscribed for Perpetuity to the English East-India Company, redeemable only by the Parliament's paying Two Millions Sterling, with Interest, at 8 per Cent, to the Proprietors thereof; and that upon three years Premonition after the 29th of September 1711. So that considering the great Power and Interest of that Company, over all England, especially in Parliament; and most of all the Funds in England being already appropriated by Anticipations, yea many of them for Perpetuity, it is hard to tell when, if ever, that Trade shall be laid open to the rest of Britain, by the Redemption abovemention'd: And whenever that happens, if at all, neither we, nor our Constituents, nor any one in Scotland, can in any capacity, plead Exemption from contributing our respective Proportions of the said Two Millions Sterling, and Interest thereof, that shall be due for the time: And as the extending of the English East-India Company's exclusive Privileges over all Scotland, would be the necessary Consequence of dissolving our Company, in the Case propos'd; so it would, at the same time, beyond all doubt, raise both the real and imaginary Value of their Stock and Sales, very considerably beyond their present Estimate; and therefore the Quota allotted to be paid to us and our Constituents, out of the Equivalent abovemention'd, cannot be thought adequate to the Losses of our Company, the dissolution of our Company, and the Advantages arising

to the *English East-India Company*, by the Extention of their Exclusive Privileges over all *Britain*, which are now confin'd to *England* alone.

310. Yea moreover, upon the Supposition of our Company's Dissolution, not only we, but the whole Nation must Trade likewise under great Disadvantages in all the other parts of the World that are within the Limits and Charters of all the *Regulated and Permission-Companies in England*, which being pretty numerous, deserves a further Consideration, at least as to the *Smallness of the Quota* allotted for the Losses and Dissolution of our Company; because thereby the whole Trade of this Nation must become subiected to the *Restrictions, Limitations, and Conditions* of all these *English Regulated and Permission-Companies*; whereas we have now an illimitated Freedom and Liberty of Trading over all the World.

40. But considering the *Quota* propos'd, barely as it stands now, in the 15th. Article of the *Treaty*, we find by the Journals and Calculations thereunto subjoin'd, that the *English*, in computing the *Equivalent*, do charge 6 per cent. Interest, with Interest upon Interest, for the Money to be advanced by them, and propose to allow only 5 per cent. simple Interest, on the *Quota* allotted to be paid to us and our Constituents; which is less than the simple current Interest here.

50. By the said 15th Article, there is no sufficient Security to our Company for the payment of even the *Small Quota* propos'd: For the Term of Payment is not clearly fixed; the *Quota* to be paid is not exactly liquidated to a particular Determinate Sum; and whatever be the *Quota* it is propos'd to be paid into the hands of certain Commissioners accountable to the Parliament of *Great-Britain*; whereas it were more just and reasonable to have it made payable directly to us, for the Proprietors use; and our Payment is postpon'd to all the *Publick Debts* of the Nation; which being left indefinite, may possibly (for ought we know) exhaust the whole *Equivalent*: And yet by the same Article, special care is taken, that our Company shall neither Trade, nor grant Licence to Trade, after the Parliament of *England's* laying on a Fund for paying the *Equivalent*; which is not only a superceding of our Rights and Privileges for the time, but also a virtual Dissolution of our Company, tho the said *Quota* should never be paid to us.

60. We do not find by any of the Articles or Journals of the said *Treaty*, that there is (upon the event of such Union, and suppos'd Dissolution of our Company) any Provision made, for the Security or safe Conduct of any Persons, Ships, or Effects, belonging to our Company; or to such other Persons as do or may Trade, by vertue of Permissions already granted, or that may be granted, by the Court of Directors of our Company, before the real Dissolution thereof.

' All which Premises being Matters of great Concern to us and
 ' our Constituents, we do therefore, in all Humility, and with
 ' great Earnestness, recommend the same, to the serious Con-
 ' sideration of your Grace, and the Right Honourable Estates
 ' of Parliament.

Upon the first reading of this Draught, the L. P. of S. seem'd to be much
 out of Humour, and said, He was very much surpris'd to find, that any
 Person who pretended to wish well to the Company's Interest, would offer
 any such Paper as that was, to be approved there; however, that he
 would tell his Mind and Opinion very freely about it, by and by, when
 it should come to be considered: But that, instead of any such Paper as
 that was, he expected that the Committee would have prepared and got
 ready, a clear stated Account of all the several Sums advanced by the Pro-
 prietors, with the Interest thereof at 5 per Cent, from the respective times
 of payment, to be laid then before the *Council-General*; That having been
 the thing chiefly recommended to the Committee's care: To which it
 being answered, That there was also a Report from the other Committee
 upon that Head, ready to be laid before the *Council-General* likewise; He
 said then, *That before he'd proceed any further, he could not but take notice,*
and must needs say very plainly, that the Minutes of the last Meeting,
were not really and truly extended, as they should have been; and that he
apprehended there must have been some unfair dealing in the Matter: For
that, by the Minutes it seem'd, as if there had been two several Committees
appointed; whereas he was very sure there was none but one; and that he
could not be mistaken in what he had said, because he was present all the time,
from the beginning of the Meeting, till they were all parted; and that withall,
he could not but take notice likewise of these Words, The Standing or Falling
of the Company: What occasion was there (said he) for putting any such
Words in the Minutes? He was sure that there were no such words as these
spoken at the last Meeting, nor any thing that could have given occasion for
wording the Minutes in that manner, &c.

All this, jointly considered, was truly (my Lord) a very shocking,
 heavy and unexpected Charge; especially coming from a Person of so
 much Authority, against any one in my Condition; and was so much the
 more surprisng, as having been in the presence of so many Noblemen,
 and Gentlemen of the First Quality: Because that if I could not have in-
 stantly justified myself, to their full Conviction and Satisfaction, I could
 never thereafter have reasonably expected to be well thought of, by any
 one then present, as to the Fidelity which I pretend to, in the discharge
 of my Office: But being conscious to my self, that, as I meant no harm,
 nor had any sinister End before my eyes, in all that could be justly charg'd
 upon

upon me, with relation to the Premises, so I did nothing directly or indirectly therein, that could have deserved to have been so severely Challeng'd and Attack'd as aforesaid: And therefore I immediately applied to His Grace the D. of A. as being President of that Meeting, in these, or the like words; That since I found my self so directly point'd at in so very tender a part as my Reputation, I must with Permission of His Grace, and all the other Noble and Worthy Persons present, take the liberty to vindicate what concern'd me so nearly; and that in so doing, I was sorry to find my self driven to the necessity of saying, *That the L. P. of S. had mistaken the true Point of Fact; For that positively, there were two several Committees appointed nominatim, as express'd in the Minutes; That the E. of C. as President, did dictate their several Names to me, in presentia, at the desire of all the Members then present; and that for the truth thereof, I appeal'd to the Testimony of all the Noblemen and Gentlemen there, who had been at the former Meeting: But the L. P. of S. adhering still to his former Assertions, I beg'd leave to say, That my Memory was somewhat better than his L.'s in that Particular: And to fortify the same, I offer'd this one Argument; That no Member of either of the two Committees, then appointed, had seen or heard the Minutes of that Meeting read, before this present Meeting, (which was on the 20. of November) and yet that both the said Committees had severally met, and adjourned themselves from time to time, and that at different times, until they had made two several Reports upon the different Subjects respectively to them committed: Which they could not have done, since they had not seen the Minutes appointing and empowering them to have done so, unless they had been all actually present (as indeed they were) at that Meeting, and had heard themselves then severally nam'd, on the said two Committees, respectively, for the two different Purposes formerly mention'd: Which being done accordingly in all Points, correspondent to the Minutes, was (as I humbly conceived) a moral Demonstration both of the justness and fairness of the Minutes, as they then stood, and of my having had no sinister End whatsoever, in having worded them so. And that as to these words in the Minutes, *The Standing or Falling of the Company*, so much taken notice of by the L. P. of S. the greatest part of the Debates at that former Meeting did run precisely on that particular Point, Whether it was practicable that the Company should be kept up after the Union? Yea, or No. And that the Debate had its Rise from the reading of these Letters already recited, from the 15. Article of the Treaty, and from what was said on it in Parliament, on the 22d. of October last; and that there having been no particular Instruction given to either of the two Committees, but only in general Terms to Report their respective Opinions, upon the two several Heads committed respectively to their several Considerations; I humbly thought, that naturally*

rally the Minutes ought to have been so worded, as, in general Terms to have comprehended the two Branches of the Alternative debated upon: But that as to that Matter, I was still under Correction of the *Council General*; That it could have been of no particular Import to me, whether they had appointed one, two, or ten Committees; or which way they would have the Minutes worded: And that to please the L. P. of S. I humbly made this Proposition, (if so the *Council General* should think fit) to delete out of the Minutes these words, *In relation to the Standing or Falling of the Company*; and instead thereof, to write, *In relation to the Company's Affairs at this Juncture*: Which was unanimously acquiesc'd to. And so there was an end of that Point, as I thought.

It was then mov'd, that the Report of the Committee appointed to prepare a State of the Company's Stock, should be read; which being read accordingly, and finding it to be an Abstract of the Company's Accompts of Stock, call'd for and advanc'd, with the Interest thereof at 5 per Cent, stated by way of Debitor and Creditor. The L. P. of S. said, That he had propos'd a shorter Method at the last Meeting, and that he was still of the mind, that it would be the clearest and properest way; which was, That all those who had not paid any thing, might be discharg'd, and that the Shares of all such Persons as had paid in their Money might be stated distinctly, with the Interest thereof at 5 per Cent, from the respective times of payment, to see what that would come to; and that that was a clear way to know the Company's *Quota* of the *Equivalent*: Or in words to that effect.

To which it was answered by another Member, That, upon Trial, that would be found, to be a very unequal way; For by that means, such Persons as had paid nothing at all, would fare much better than those who had actually paid in their Money; because the Company had contracted several Debts upon the Credit of the deficient Shares, and that there were some Persons of Honour then present, who stood engag'd by Bond for Money borrowed to the Company's use, on the Credit of these deficient Shares: And if those who were deficient in their Payments should be discharg'd in the manner propos'd; then, and in that Case, the Company's Debts must have come off the Shares of those who had advanced their Money; which would not be equal. Whereupon the said Abstract of Accompts being, by Order of the *Council General*, read over again, nothing further was said against it.

Then a Motion was made for reading the abovemention'd Draught of a Representation again: Which being read accordingly, the L. P. of S. stood up and said, 'That (as he had said before) he was much surpris'd to find such a Paper offer'd there; That he knew not what might be said to it, but that for his part, he saw it was one continued Cant
' from

' from the beginning to the end ; That there was not one Paragraph of it,
 ' yea scarcely one line, but what might be censured ; That it look'd like a
 ' contriv'd Satyre upon King *William*, whose Memory ought to be sacred
 ' to this Nation ; That it had such a long Preamble, and consisted of so
 ' many several Heads, as would take up the *Council-General's* time for eight
 ' days at least, to consider of it, so as to Vote in it with Knowledge ; and
 ' that he had good reason to question very much the Verity of several
 ' Matters of Fact, allerd' in it ; which he believ'd were not really true.
 ' And therefore that it was his Opinion, That they should not give them-
 ' selves any further trouble about it ; but lay it aside for good and all.

To which *Dr. D.* made Answer in these or the like words, That the
 Court of Directors, and Committee, who had prepar'd the Draught of
 that Representation, had gone deliberately through every Article of it,
 over and over again ; That the truth of every one of them could, if re-
 quir'd, be instantly verified ; and the several Vouchers thereof laid all u-
 pon the Table, in one quarter of an hour's time. And that the Reasons
 which induced them to make so long a Narrative, and to be so particular
 in it, were, because, That, not knowing whether they might ever
 again have Occasion to make any other Representation to the Parliament,
 they thought it adviseable, to take the benefit of this Opportunity, for
 undeceiving several Persons without Doors, who took Occasion to raise
 groundless Clamours against the Management of the Directors, as judging
 from the ill Success of the Company's Affairs, without knowing the real
 Causes of Things ; and that therefore this Preamble was, in some sense, an
 indirect Vindication of the Directors. And 2^{dly}. That by narrating the
 Company's Rights, and the several Acts of hard Treatment which the
 Company had met with, in the prosecution of its lawful Designs, they
 might the better found the Company's Claim, at least, for augmenting
 their *Quota* of the *Equivalent*. in case it should be quite dissolved, &c.

The *M. of M.* said, That he wih't alwise as well to the Company
 as any Body ; That he was a Sharer in it ; That as for the Directors Vin-
 dication, he made no doubt of their being able to Vindicate themselves
 otherwise, if need were ; and that as for the Clamours of Persons without
 Doors, he believ'd these were only People of the meaner sort, whose Cla-
 mour needed not to be much regarded ; That for his part, he saw no man-
 ner of Occasion for ripping up so many old Stories, as were contain'd in
 that Representation ; That if any Man could demonstrate to him any Be-
 nefit or Advantage that would accresse to the Company, by insisting upon
 them, he would be for them ; but since he believed they could be of no
 Advantage to the Company, he was positively against them.

Sir *F. S.* and *Mr. D. D.* recapitulated something of what *Dr. D.* had
 said, and did enlarge further upon the same, and the like Topicks.

The E. M. and E. of P. insisted much upon adding a petitory Clause to the Representation, for keeping up the Company in all Events; especially since none of the Privileges of any of all the *English* Companies, were to be diminished in the least by the Union, &c.

Sir I. A. and one or two more, who pled against the Representation, struck in with the Overture of adding a petitory Part; and desir'd, that then the Question might be put upon the whole, Approve, or no.

The L. I. C. mov'd, that the Question might be, Whether they were for taking their Money, or for keeping up the Company? and was seconded by R. W. of M.

The E. of P. said, That could not be the Question, because they might be for both the one and the other; That for his part, he truly was so.

The L. P. of S. repeated again what he had said at the former Meeting, about the sinking of the *Two Millions Sterling* advanced by the *English East-India Company*, to the Government, &c. Whereupon Dr. D. said, That he must beg leave to say, the Matter of Fact was not so; for that there were no such thing as the sinking of that *Two Millions Sterling*: Yea, that the *English East-India Company* must have Interest for it at 8 per Cent, until the principal Sum be paid, at whatever time that may happen: For proof whereof, he adduc'd the *English* Act of Parliament Establishing that Company, which he said was in the House, and desir'd it might be read. So that Matter was let fall.

There was much notice taken of the subsuming Clause following upon the Narrative of the Representation, whereupon one of the Committee appointed to draw that Representation, said, That when they were preparing it, they had this under Consideration, That several Persons concerned in the Company might probably be for getting their Money back again, whatever should happen to the Company; and that others might readily be for the standing of the Company in all Events: And therefore that, for pleasing both Parties as much as they could, they resolv'd among themselves, to frame the Representation so, as that People without Doors might not positively know their own private Inclinations: which made them, in the first place, assert the Company's Rights, and then make strong Insinuations for the standing of the Company; yet did not, at the same time, think fit to Petition for the standing thereof, otherwise than only by deducing the Company's Case very fully, leaving the whole to be determin'd by the Wisdom of the Parliament.

Both Parties being thus pretty much wearied with Debating, they agreed at last, that the Question should be put, Whether to Approve of the Representation, as brought in by the Committee, or to amend it? And the Question being stated accordingly, *Approve*, or *Amend*, it carried

ried by majority of Votes, *Amend.* And so that Draught of the Representation was referr'd back again to the Re-consideration of the same Committee of Counsellors and Directors, who had brought it in, to be amended by themselves.

I forgot to tell your Lordship (in the due place, as to Order of time) that when, upon the 11th. day of *November* last, the Sub-Committee had the Draught of the said Representatiou before them, and were Reasoning upon the Contents thereof, a certain Gentleman, who was none of their Number (tho a Member of the Grand-Committee) coming into the Room to see what they were doing ; and hap'ning to object against that Clause, wherein the Company's *Right* is call'd the Company's *Property* ; a Member of the Sub-Committee was pleas'd to say off-hand, That indeed he believ'd it was my Fault, (who as he thought) had put it in, out of my own head, without any Order or Instruction from their Committee for so doing : Which being likewise confirm'd by another Member (yea the very same Person who wrote their Instructions to me) and challenging me thereupon : I told them, That whether it was a Fault or not, it was not fair to load me with it, any manner of way ; That if it prov'd to be a Bastard-child, they must find the Father of it among themselves, for that (beside their general Order) they gave me a very expres'd Instruction about it, and others of the Committee saying they believed indeed, and remembred it was so : The Person who wrote the Instructions positively denied it, until I was oblig'd to produce and read the Instruction it self ; by which it appear'd, that if I swerv'd from the Instruction in any thing, it was in this ; That I had expres'd the very same thing in much softer Terms ; as may be seen by comparing the one with the other : And the same Person desiring me then to reach him the Paper of Instructions ; I beg'd his pardon, and told him, that it was now my Evidence ; and that since I, once in my Lifetime, happen'd to foresee what way I was like to be used in this Matter, I would keep it for my Justification ; which, I'm glad I did.

Upon the very next day thereafter, I happen'd to meet a Friend, who told me, That in two severall places, he had heard some Members of the Company (tho, by the by, he is none) discoursing pretty odly of an Address from the Company (as he call'd it) which they said was to be given in to the Parliament ; and that they blam'd me exceedingly for having drawn it ; That it had this, and that, and t'other thing in it ; and that it was all of my doing, &c. Hum ! thought I then to my self ; Is this the way that the Sub-Committee keeps their Capitulation with me ? I took notice of it to such of them as met at the Office that night ; but they said, That if any such thing was spoken without Doors, indeed it was not fair ;

and that it must have been by some other Person, than any of them then present, for they knew nothing of it.

Well, I took no further notice of this Matter, to any Body, until the Meeting of the *Council-General* was quite over, in manner aforesaid; But when thereafter the *Grand Committee* of Directors and Counsellors Met, upon the 22d. of *November*, to amend their former Draught of the Representation, re-committed to them from the *Council-General*; and that I heard a Motion made for setting me at Work upon it: I beg'd their pardon, and desir'd to be excus'd from having a hand in any more of their Representations; because I found my self but very scurvily us'd upon that head already; and therefore took then Occasion to tell them, what had pass between the Sub-Committee and me; and that since (as I believed) some Body's too early talking abroad, might possibly have given occasion to some other Person's coming to the *Council-General*, freighted with Prepossession against me, so I must take the liberty to say, That to have talk'd of me in that manner, contrary to express Capitulation, (whoever he be that did it) was an Action very unworthy of a Gentleman; especially considering, with what ill will I was driven to have been any ways concern'd in that Matter from the beginning.

I shall not trouble your Lordship with a needless Account of all the other Circumstances that attended the framing of a second Draught of the Representation; but in short, the Matter, and almost the Stile of it were agreed upon before they parted, and it was recommended to two or three of their Number to Furbish it over before the next Morning: Which being accordingly done, they all met again on the 23d. of *November*, and fully agreed upon that Draught, and approv'd thereof, in order to be laid before the *Council-General*, as their Opinion.

Upon the 27th. day of the same Month, the *Council-General* met again; and after having chosen a President, the following Draught of a Representation was (according to Order) presented and read.

To His Grace, Her Majesty's High Commissioner, and the Right Honourable Estates of Parliament.

The Humble REPRESENTATION of the Council-General of the Company of SCOTLAND Trading to Africa and the Indies.

¶ Finding by the 15th Article of the Treaty of Union agreed upon by the Commissioners appointed by Her Majesty on behalf of Scotland,

land, with those appointed likewise on behalf of England, That upon the Payment of such a Proportion of the Equivalent therein mentioned, as will answer to the Principal Stock advanced by us and our Constituents, with the Interest thereof at 5 per Cent per Annum, Our Company is to be Dissolved; We think our selves in Duty bound not to be silent upon this Occasion: And therefore, tho it be not thought necessary at present, to trouble Your Grace and the Right Honourable Estates, with a Recital of the many Valuable Rights, Powers, Privileges and Immunities, Granted, Ratified and Confirmed, to and in Favour of our Company, by several successive Acts of Parliament, nor with a Recapitulation of the many Injuries and Discouragements, which we met with, and the Just Demand we have, by the Law of Nations, for Reparation of the great Losses and Damages, which we sustain'd by means thereof; nor with a Repetition of the several Publick Assurances given us, during the last and present Reign, of a hearty Concurrence in repairing our Losses, and maintaining our Rights: All these having been, on former Occasions, fully Represented to Your Grace and the Right Honourable Estates; Yet, as being Matters of great Concern to us and our Constituents, we humbly crave leave, at this extraordinary Juncture, to put you again in mind thereof, in the general; and withal to make the few following Observes, upon that Part of the said Article, which does more immediately relate to the Concerns of our Company.

1mo. We humbly conceive, That the Sum propos'd to be paid to us, out of the said Equivalent, is not adequate to the great Losses and Damages already sustain'd by us, and to the taking away likewise so many Valuable Privileges, as we now enjoy; the Benefit of which, must, of Course, accresse chiefly to the English East-India Company.

2do, It may be thought hard, that we should not be allowed the full Interest of our Money, when, in the Computation of the Equivalent, all the Interest is stated at 6 per Cent, and the payment thereof Yearly, whereas our Interest is computed only at 5 per Cent, tho the most part of our Stock has been advanced, without any Profit, upwards of Ten Years ago.

3tio. We see no clear Security by that Article, for the exact Payment of the Money allotted for our Company; for our Payment is postpon'd to all the Publick Debts of Scotland, and we know not how far these may extend: Yea moreover the whole Equivalent being to be managed by a Commission, accountable to the Parliament of Great Britain, before whom (if our Payment should happen to be postpon'd) we and our Constituents might be put to an Expensive and Troublesome Attendance, whereas it were more Just and Reasonable to have our Com-

pany's *Quota* of the *Equivalent* made payable directly to us, for the Proprietors use.

4^{to}. It is expressly provided, That our Company shall neither Trade nor grant Licence to Trade, after the Parliament of England's laying on a Fund for paying the *Equivalent*, which is not only a superceding of our Rights and Privilega. for the time, but also a virtual Dissolution of our Company, tho the said *Quota* should never be paid to us.

5^{to}. We do not find by any of the *Articles*, that any Provision is made for the Security or Safe Conduct of any Persons, Ships or Effects belonging to our Company, or to such Persons as do, or may Trade by vertue of Commissions already granted, or that may be granted by the Court of Directors of our Company, before the real Dissolution thereof. And

Lastly. It is Humbly Conceiv'd, that the Subsisting of our Company, upon the same Foot with the *East-India*, and other Trading Companies in England. is nowise Inconsistent with the Trade of the United Kingdom.

All which Premisses, being Matters of great Concern to us and our Constituents; we do therefore, in all Humility, and with great Earnestness, Recommend the same to the Serious Consideration of your Grace, and the Right Honourable Estates of Parliament.

Upon the reading whereof, a certain Member was pleas'd to say, That he acknowledged this was indeed a much shorter Draught than the former, but very near the same upon the Matter; and therefore, that he thought it wanted to be amended, as much as the other. Whereupon several Debates arising, most of the same Arguments that were us'd for and against the former Draught, were renewed about this: and after having read the Representation over again, Paragraph by Paragraph, the Question was stated at last, *Approve of the whole Representation as it now stands, or Amend*, and it carried *Approve*, only by one Vote.

When the Vote was over, most of all the Members went immediately away; and the E. of C. being President, Protested, before he condescended to Sign either the Minutes or Representation, That his Signing as President, should not import his own Consent; and then Sign'd the Representation thus:

Sign'd in Name, Presence, and by Warrant of the said Council-General, at Edinburgh the Twenty Seventh day of November 1706. By

CROMERTIE. I. P. C. G.

The contrary to my own Vote and Opinion.

The

The Court of Directors having Met, on the 29th of the same Month, they gave Orders for Printing this Representation; to the end, that Copies thereof might be given to Her Majesty's High Commissioner; the Officers of State, and all other Members of Parliament: Which was done accordingly; and the principal Paper sign'd by the E. of C. as President, was given in to one of the Clerks of Parliament; in order to be read when call'd for.

But here comes a new Charge against me:

Before this Representation happen'd to be read in Parliament, the Copy thereof came down from *London* Printed in the *Flying-Post*. *Ha! this must be R. M.K. that has done this*; for by the Course of the Post, it appear'd, that a Copy of it must have been sent to *London*, the next Post-day after the Meeting of the *Council-General*; and truly I have been challeng'd upon it by two or three several Persons, at different times.

In Answer to which, I was so far from having been anywise concern'd directly or indirectly, in sending a Copy thereof to *London* so very early, that (as I live) I have not to this hour, sent either a written or printed Copy of it, to any Mortal there or elsewhere: Yea, after it was printed, and that I had got all the Copies into my Possession, when the E. of P. and Sir R. B, Mr. D. D. and several others, had sent to me for some of the printed Copies; it occur'd to me then, that, if Copies of the Representation, tho it was no Secret, should happen to fly abroad, before Copies were given to the Commissioner, and Officers of State, it might readily be construed, at least an Indiscretion in me, and ill Manners of the Directors: For which cause I pretended an Excuse, that there happen'd some Stop in the Printing, lest a Refusal might not have been so well taken off my hands; and sent word immediately to those of the Committee in constant waiting, to meet at a certain hour; and when met, I told them, the very same thing that I have now repeated; and intreated them to go and deliver Copies to the Commissioner, and Officers of State; otherwise that I could not keep them up any longer.

Well! but so it is, that a Copy was sent to *London*, and this must have been either got from me, or some way or other out of my Office.

Why, truly, I am now put to my guessing, in this Matter; I have challeng'd two young Men upon it, who write daily in the Office; and they very flatly deny, that ever any Body so much as sought a Copy of it from them; and I must be so just to them as to say, that I believe neither of them holds Correspondence with any at *London*: So that the only probable Conjecture which occurs to me, at present, concerning it, is this;

When

When the *Council-General*, (which Met on the 20th. of *November*.) did re-commit back again the first Draught of the Representation, in order to have been amended; some of the Directors (when I acquainted them, that the *Grand-Committee* was to meet for that effect) said, That if a new Committee had been appointed either to amend that Draught, or to prepare a new one, they would not decline to give their best Assistance; but that when they saw seven or eight Members of that Committee so precarious in their Judgments, as to Vote against a Representation in the *Council-General*, which they themselves had formerly Approv'd, and been at the framing of, either in the Sub-Committee, Grand-Committee, or in both; (by whose Votes only the said Representation was lost) *they might now make a Kirk or a Mill of it, as they should think fit*: But that they would come and take a look of the Committee's new Draught, sometime before the Meeting of the next *Council-General*: And after the Grand Committee had fully agreed upon the Draught of this last Representation; the E. of P. came in Person to the Office, and desir'd a Copy of that new Draught, to the end that he might have his Thoughts upon it with the D. of A. and some other Friends, before the Meeting; which (I suppose) no Man in the Kingdom (were he in my Station) would have the Impudence to have refused to Persons of their Quality, and so nearly concern'd in the Company. I never was, after that Minute, witness or conscious to any Conferences that they might have had about it: Nor did I ever thereafter enquire what became of that Copy; and tho I neither can, nor will, assert it for a Truth, yet (since the *Council General* did approve of that Draught without any manner of Alteration) it's very possible, that either that, or some other Copy taken off it, might have been sent to *London*, without my having been anywise privy to it: And whatever way it came to be sent, I must take the Liberty to say, That it was not a Crime of so very unpardonable a Nature, but that I would have scorn'd to have deny'd it, if I had had the least Concern in it.

But as (according to the Proverb) *It is an easy thing, to find a Stick to sell a Dog with*; so I may very justly apply to my own Case a Phrase, which I have heard was once us'd by a certain Lady upon another Occasion; *That it was a hard thing to be call'd a Wh—e, and yet to have none of the Pleasure*. In allusion to which, tho I intend (GOD willing) through the whole Course of my Life, not to do any thing, wittingly and willingly, that may justly bring me under the same Predicament with *Officious Meddlers* in Matters of State and Government, (that being seldom or never the Subject of my Conversation, wherever I can shun it) yet, if a Person concern'd perhaps in the Government, should, at any time, through Mis-information, conceive and advance such a prejudicated Opinion of me,

me, as may prove very injurious to my Credit and Reputation I should think it very hard, if I might not, with Impunity, assume the Freedom of Vindicating my self, by giving a full Account of all Circumstances relating to that Head, on which I find my self Mis-represented; especially when in the doing thereof, I confine my self strictly to the Rules of Truth: And tho, in the foregoing Account, I have faithfully repeated the Sense, and, as near as possibly I could remember, the very words of such Persons as, at the late Meetings of our Company, advanced any thing that was thought Material, for or against that Part of the 15th. Article of the Treaty, which relates to the Company's Concerns; I have not allowed my self the Liberty to make so much as one single Animadversion upon the whole, or any part thereof; which I am persuaded is a greater measure of Reservedness, than the generality of People would probably have expected from one in my Circumstances, upon this Occasion; especially considering, the Unkindness and ill Usage that I have met with, these several Years past, instead of any generous Acknowledgment for my assiduous and faithful Endeavours, in serving that which I still thought was the general Interest of my Country; and which, by the unanimous and frequently repeated Suffrage of the Nation's Representatives in Parliament, as well as by many National Addresses from all Parts of the Kingdom, and by the invidious Opposition which it met with from some of our Neighbouring Nations, appear'd to have been so.

However, as there was never any great Design set on foot, since the beginning of the World, but what has had its Enemies, and that from different Motives too; so this Company has, from the very time of its first Institution, sufficiently experimented the direful Effects thereof.

1. Some have been Enemies to it (as I have been told) meerly out of a stated Prejudice which they had against the Persons who chiefly interested themselves in the first Founding and Establishing thereof.

2. Some have been Enemies to it, upon account of the Largeness and Freedom of its Constitution; as affording perhaps a greater Handle for asserting the Nation's natural Rights and Liberties, especially in point of Trade, than any other Parliamentary Establishment whatsoever that I know.

3. I have heard it said likewise, that some Men of considerable Parts, comprehended perhaps, under one or other of the former Heads, have nevertheless subscribed as Adventurers in it, that they might with the better Grace, and less Suspicion, oppose or marr the Design, as they should see Cause, and yet share of the Profits, in case it succeeded.

4. Some have been Enemies to it from National Considerations, such as a Rivalship and Emulation, as to the usual Effects of a well Established and Powerful Foreign Trade.

5. I have heard it very often said too, that after the *Hamburg-Memorial*, *West-India-Proclamations*, &c. several Persons, tho perhaps concern'd in the Company, and formerly affectionate enough to the Design; yet being sensible of personal Obligations, as well as the Allegiance which they ow'd to King *William*, were willing, upon all Occasions, to soften and alleviate the Force and Effects of these, by attributing the want of Success to some other Cause: And in this Class, some did commonly rank the generality of such as might have expected any particular Favours from the Court of *England*; as being seldom or never willing, to hear any mention made of these Proclamations, &c.

6. Some who, I am perswaded, wish'd very well to the Company, did propose, with great earnestness, That they should bend their Thoughts chiefly to the *East-India-Trade*, as being that which they best understood; which not being complied with, they exclaim'd mightily against any *West-India Design*: But really these Gentlemen ought to consider, That, before that Proposal was made, the *West-India-Design* was form'd; the Preparations for it were far advanced; the *Londoners*, *Hamburgers*, *Amsterdammers*, &c. oblig'd to relinquish their Subscriptions and Engagements, as to the Joint-Stock; and the small Stock advanced here, was not sufficient to have carry'd on both Designs at once; and beside too, the Addresses of both Houses of Parliament of *England*, did point as expressly against *Scotland's* having a Share in the *East-India-Trade*, as against the other.

7. Some likewise, concerned in the Company, propos'd the appropriating a great part of the Company's Stock for carrying on a *Fishing-Trade*, as being nearer Home; which not being yielded to, made them the more willing to blame the Management, and magnify their own Foresight as to the Company's ill Success, in any other Designs: But, beside the Reasons already assign'd, these Gentlemen ought to have considered further, That by the Act of Parliament, the Stock was rais'd and destin'd, for carrying on a Trade to *Asia*, *Africa*, or *America*, or to any one, or two of them; and that if, instead thereof, they had gone on with a *Fishing-Trade*, I would gladly know, how these Gentlemen could have secured against a *Sir Paul Rycant*, or a *Mr. Cresset's* giving in a *Memorial* at some *Foreign Ports*, against the taking our Fish off our Hands, upon as reasonable Grounds, to the full, as these of that given in by them, to the Senate of *Hamburg*.

8. Some were Enemies to the Company, or at least very indifferent concerning it, as being wholly ignorant of the Nature and Design of such

a Noble Project, as well as of what might have been the many Advantageous Consequences thereof, had it not been crush'd in its Infancy.

9. Some who were equally ignorant with the former, did nevertheless implicitly become Adventurers in the Joint Stock, upon the general Opinion that was then intertain'd, of the great Profits that might have aris'n from such an Undertaking; yet having no other Rule by which they could judge discreetly, of either the reasonableness or unreasonableness thereof, but only by the Success; and finding themselves frustrated of their big Expectations, were apt to join in *Chorus* with any that would decry either the Design, or the Management, or both.

10. These several Considerations abovemention'd, together with the general penury of Money in the Country, made many of the Adventurers very tardy and unwilling in paying up their several deficient Shares of the Joint-Stock; in so much, that if some Noblemen and Gentlemen concerned in the Management, had not (over and above their own large Proportions of the Stock) engaged their Personal and Private Credits, jointly and severally, to the Bank, Sir J. S. and others, for very considerable Sums, which were borrowed at several times, and upon several Occasions, for the Company's Use, the Company had been certainly dissolved of course, seven Years ago; as was long since propos'd by some concern'd, without any reasonable Hopes, or perhaps desire, of having the several Proprietors advanced Shares repaid to them again: And when thereafter the *Council-General* and *Court of Directors* did give repeated Orders for pursuing the deficient Subscribers, in order to bring them all upon an equal foot, with those who had made prompt Payment; and thereby to enable the Directors to relieve the said Engagements, to pay the Company's other Debts, and to do with the Remainder of the Company's Stock, what should be thought most equal and adviseable, as their Circumstances might happen to require for the time: The Company, and particularly those in the Management, never had more embitter'd Enemies, than some of these Proprietors who were necessarily as aforesaid, pursued for their respective Shares.

11. Tho' by the Constitutions of the Company, one out of every Ten of the Number of Directors must necessarily be turned out in the Month of *March* Yearly; either by Rotation, Scroll and Scrutiny, Ballating, or some one way or other, (but which has been alwise done by putting private Lists into a Box after the manner of Ballating) And tho neither the *Council-General*, nor *Court of Directors* have ever, to this hour, allowed or taken to themselves, any Salary, Pension, Gratuity, or other Reward whatsoever, for their Care, Trouble, Pains and Attendance, at the several Meetings of the Company; excepting only a trifling Allowance not worth the naming, given to a Committee of such three Directors as hap-

pens to be in constant Waiting, for adjusting and clearing of Accounts; and giving the needful Orders and Directions in other Matters of that Nature, when a full *Quorum* of the *Court of Directors* cannot be so conveniently got to meet upon every Occasion; some of which Allowance too has never been exacted: Yet I scarcely ever knew any person more pick'd against the Company, but more especially against the Directors, than some of those who fancy'd themselves Affronted, by being turn'd out from among the Number of Directors, in manner aforesaid. And tho I never knew any particular Advantage that a Counsellor or Director of the Company could, to this hour, have reasonably propos'd to himself, as such; excepting only the Pleasure and Credit of serving and carrying on so National an Interest, the Improvement of his Understanding and Judgment in Business, and the Satisfaction of having a more immediate View of the Company's Concerns, by being at the Helm thereof; yet many Persons of Honour did all along covet, to have been upon the Direction: In so much that when, in the Year 1698, several Persons were turn'd off of the Privy-Council, for having (as was generally said) Voted in the preceeding Session of Parliament, against a Cess, after the Conclusion of the last General Peace; I remember nothing better, than that the M. of T. being one of that Number, said openly in presence of a full *Quorum* of Directors, That he would be much more sorry, and think it a far greater Affront, to have been turned off of the Council of the Company, than off of the Privy-Council.

12. I shall not presume so much as to suppose, That any of the Commissioners, who sign'd the Treaty of Union, can be classed or comprehended under all, or any of the several foregoing Heads; but this I am sure of, that none of those Commissioners can reasonably be supposed to be now for the standing of the Company; because that would seem inconsistent with the 15th Article of the Treaty it self: And therefore I think, I may very freely adventure, to add them to the Number of those who in all probability will be at this time for dissolving the Company.

13. Tho hitherto the several repeated Remonstrances and Addresses of the *Council-General* and *Court of Directors* of the Company, back'd with several National Addresses, and several Resolves made in Parliament, have done much to make the Generality of the Nation have all along pretty favourable Impressions, of the Designs and Management of the Company; yet since by the said 15th Article of the Treaty, there is Provision made for repaying the Company's advanced Stock with Interest at 5 *per Cent*, to the respective Proprietors, I find plainly, that not only many of the Proprietors without doors, but likewise some of the Company's Counsellors and Directors themselves, are now very clear for dissolving the Company, rather than that they should not get their Money

ney paid out of the Equivalent, or that the standing of the Company should be made anywise a Hinderance to the Union.

14. Some there are again, who from an over-fondness of carrying on the Union at any Rate, do all they can, to decry and beat down any thing that they think may stand in its way: And in order to make the Nation bear the more easily with the Dissolution of so National a Constitution, as that of the Company, they judge it convenient now, to renew and improve the former *Chorus* against the Management of the Company; not so much, I am in my Conscience perswaded, out of any Personal Prejudice against the Managers themselves, or from a real Conviction, that what they alledge is unquestionably true, as from the Consideration of affording thereby an indirect Reason for dissolving the Company; lest the continuance thereof might prove a *Remora*, or stumbling Block in the intended Union's way.

15. I am told likewise, That from the very beginning of this Session of Parliament, some Persons have been forming a Design of procuring a Parliamentary Commission for calling the Directors to an Account for all the Money advanced by the Proprietors, and for enquiring into their alledged Mismanagements, &c. and that chiefly to give some colourable Pretence for obtaining to themselves such a Gratification for their pains, as was given in a former Session to those who examin'd the publick Accounts.

But for my part, tho I owe as few personal Favours or Obligations to some of the present Counsellors, and Directors of the Company, as perhaps any Man in the Nation; yet I dare confidently averr, that whoever attacks them, either jointly or severally, upon the Point of any alledged Dishonesty, as having embezled or misapplied the Company's Money, for their own private Uses, will find themselves grossly mistaken.

I am far from the Thoughts of setting up for an Advocate, to plead or maintain an Infallibility in the Conduct and Management of all the Counsellors and Directors, as to all other Matters whatsoever, relating to the Company; tho I wish with all my heart I could; yet this I may adventure to say, in the general, that had they met with fair play all along, since the first Institution of the Company, no act of Imprudence or Neglect, that can reasonably be suppos'd to have happened, in the Course of the Directors Management, could have hinder'd the Company from having, in all probability, by this time, a much more National Interest, both in Parliament and throughout the Kingdom, than any other Incorporate Society in *Scotland*.

But what the Wisdom of the Parliament may now think fit to do, in relation to the Company, is more than I'll adventure to guess, until they be over the 15th Article of the Treaty; tho from several concurring

Cau-

Causes already mentioned, one may easily foresee, that a very formidable Party will appear in Parliament, against the standing of the Company, on any Foot whatsoever.

I know your Lordship will expect now, that I should give you my own private Sentiments as to the intended Dissolution of the Company; and therefore, tho' my poor Opinion can signify but very little in the Matter, I'll be very free and sincere upon the Head.

I do join in Opinion, with these who think, That the keeping up of this Company, upon the Event of an Union, with all these large Privileges, Immunities, and Exemptions contained in the Act of Parliament and Letters patent, by which it is Established, will be found incompatible with the general Trade of *United-Britain*: But on the other hand, I do firmly believe, that it will be the real Interest of the United Kingdom, to preserve a Right either to this Company, or to some such Society or Societies here, to Trade to all Foreign Parts whatsoever upon an equal Foot, with the present standing Companies in *England*; and that without any Dependence upon them; at least until the Foreign Trade of *England* be laid more open, and less confin'd to the City of *London*, than now it is.

In order to which, or in any case that can happen, it is my humble Opinion, that (to choose) the Company's *Quota* of the *Equivalent* should be distributed, so as that every Man, Woman, and Child, having Title to any Part thereof, may have their several Shares repaid to them; without any manner of Restraint upon all or any of them, for continuing the least penny thereof in the Company's Joint-Stock any longer: By which means, these Partners who have a mind to continue in a Society, for carrying on some Branch of Foreign Trade, from the Ports of *Leith* and *Glasgow*, will have the Satisfaction to be free'd of all such other Partners, as are now either angry, discontented, diffident or indifferent upon the Head; and beyond all peradventure, if such a Right be reserved, they need not doubt of getting much more useful Partners to join with them, instead of the former; for I reckon, that the Protection of the Parliament of *Great-Britain* will be found to be of more solid Advantage than the most valuable Privileges that can be imagin'd, without the real Protection of a Sovereign Power.

I have dropt the same Thought to some of our Directors, and to some Members of Parliament too; but I find them generally so much upon Extreams, about keeping up, or dissolving the Company, that I am resolv'd hence-forward to set up my Pipes upon that Head: Yea, the last Article of the *Council-General's* Representation, which has a Tendency to this Opinion, is wholly owing to one single Gentleman Dr. D.

but how much it may be regarded in Parliament, a little time will shew.

I find some People do imagine, as a Consequence flowing of course from the nature of my present Employment, That, if I had any Power, I would certainly be against the Union: In Answer to which, I can justly say, that I was in my Opinion *very* sincere for an intire Union of *Britain*, upon equal and honourable Conditions, when, to my certain knowledge, many of those who seem now for it, were much bent against it: And as to my own particular Interest, barring a National Consideration, perhaps I had, all along, much less Reason to be tenacious for the continuance or standing of the Company, than some of those who are now, it seems, content and willing to see it dissolved,

My simple Inclination to an Union, may be seen from a Hint in a small Pamphlet, which I scribled, concerning this Company, in the Year 1695, under the Title of *A Letter from a Member of the Parliament of Scotland to his Friend at London, &c.* And I was founded in this Opinion, by certain Conferences which the Earl of *Cromerty* had in *February* and *March* 1689, with the Dukes of *L—* and *M—*, the late M. of *H—*, the Earls of *R—* and *N—*, and some other Great Men of *England*, upon the Subject of an Union: At some of which private Conferences I happened to be present, as having served instead of an *Amanuensis* for some Weeks upon that Occasion: Yet as the Wisdom of our Convention of Estates here, did render these Conferences of none Effect, so I must own, that I am not so much *Juratus in verba Magistri*, as to join implicitly in Opinion with that Great Man in all Particulars relating to the Union.

Some others (I am told) do entertain a strong Conceit, That I have some hand in the swarm of Pamphlets, that are written upon this Occasion; but sincerely, I am so far from interesting my self, any manner of way, directly or indirectly in that Paper-scuffle, that upon my veracity, ever since the commencement of the Treaty, to this hour, I have denied my self the satisfaction of so much as gratifying the Curiosity of my nearest Relations and Friends in the Country, by writing the ordinary Occurrences to any of them; excepting only one Missive that I wrote sometime ago to a Friend, who lives at a great distance from any place of Intelligence.

I own (my Lord) that some Years ago I have, from a fond Zeal for advancing so National an Interest as that of the Company, been large as curious as I was wise; yet in the whole course of my Life, I was never so over-credulous, or blindly led by the Humour of this, or that, or t'other Faction, or Party, as to give an implicate Belief to what any of them either did or said, until first I'd weigh the same with my own weak Reason. For which cause I kept a moderate Correspondence for some
time

time with both a *W—g* and a *T—y* at *London*, that by comparing the one's Account of Things with that of the other, I might be the better able to form my Judgment.

But when once I saw, that those who compos'd that Body commonly call'd *The Country Party*, did divide among themselves, about two Years and a half ago; I gave up all manner of Correspondence that way; and never wrote again since that time, the least word to any of my said Correspondents concerning the Publick: Yet my Abstractedness did not flow from any disgust at either of them, but merely from a more prudential Consideration with relation to my own time and quiet. And, if need were, I flatter my self with the Hopes, that your Lordship and some others of your Noble Friends, would do me Justice upon that Head.

I know it is a hard Matter to remove a prejudic'd Opinion concerning either Men or things, when once it comes to get rooting, tho never so ill grounded; I know I have been formerly blam'd and egregiously wrong'd too, more ways than one, as the suppos'd Author of some other People's Works, that I was never concerned in, any more than the Man in the Moon: And the repeated Hardships which I very unexpectedly met with in this place, merely upon supposititious and groundless Suggestions of that kind, were enough to have sower'd the Blood of a far greater Philosopher than I pretend to be. However, I thank GOD for it, I have hitherto got over it, and find my self under no such uneasiness now, upon that Account, but that I can very freely forgive, and would gladly be at peace with all Mankind. Yet still I would not buy any Man's peace, at so dear a Rate, as a servile Prostitution of that common Measure of Sense and Reason, that GOD Almighty has, out of the abundance of his Goodness, thought fit to bestow upon me; but so as to use, upon all Occasions, in defence of that Character which I'll ever study to maintain while I live. So begging your Lordship's pardon for this Freedom, I remain,

My Lord,

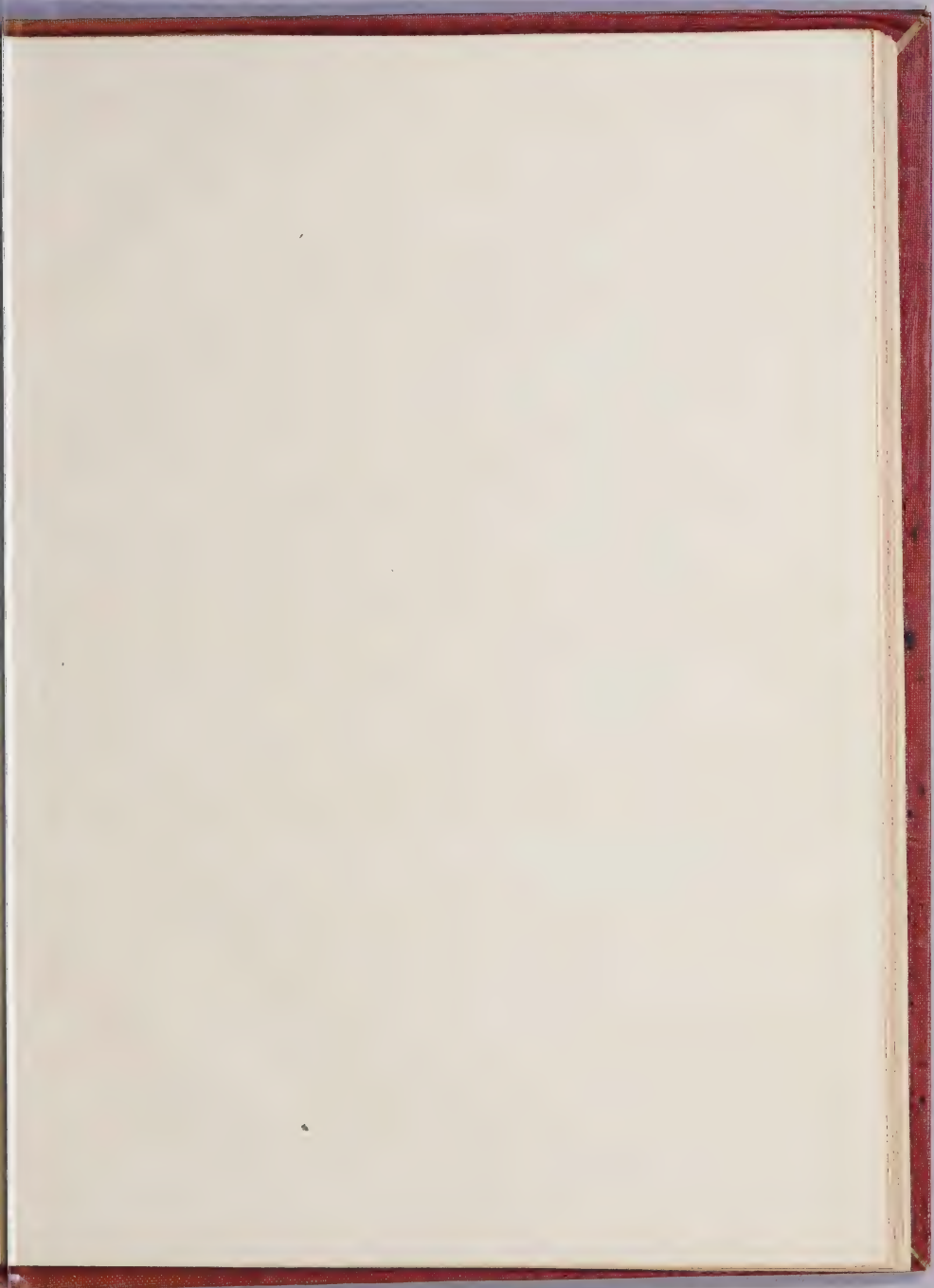
*Edinburgh, the 10th. of
December 1706.*

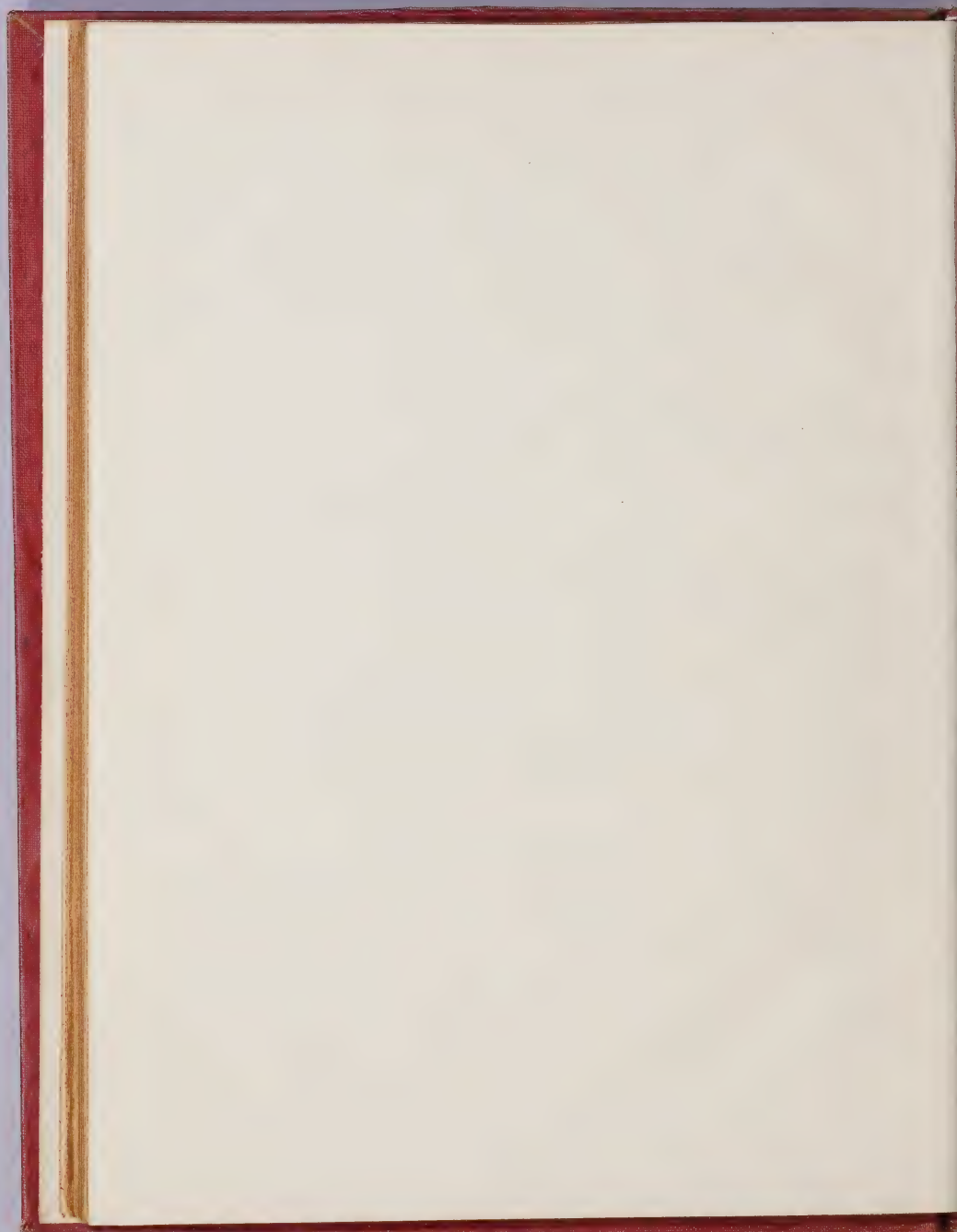
Your Lordship's most obedient

and most humble Servant,

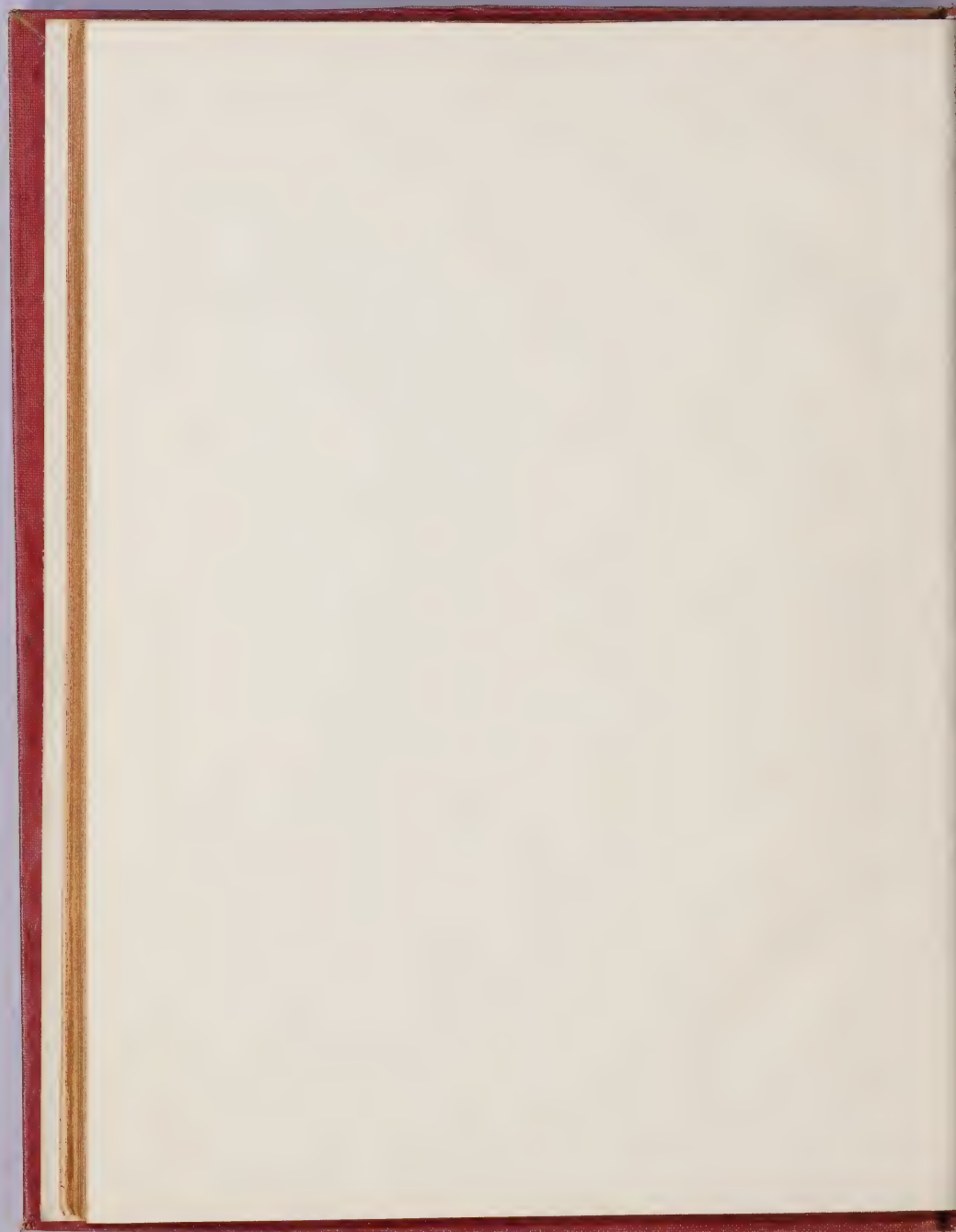
*To the Right Honourable
my Lord Y—, &c.*

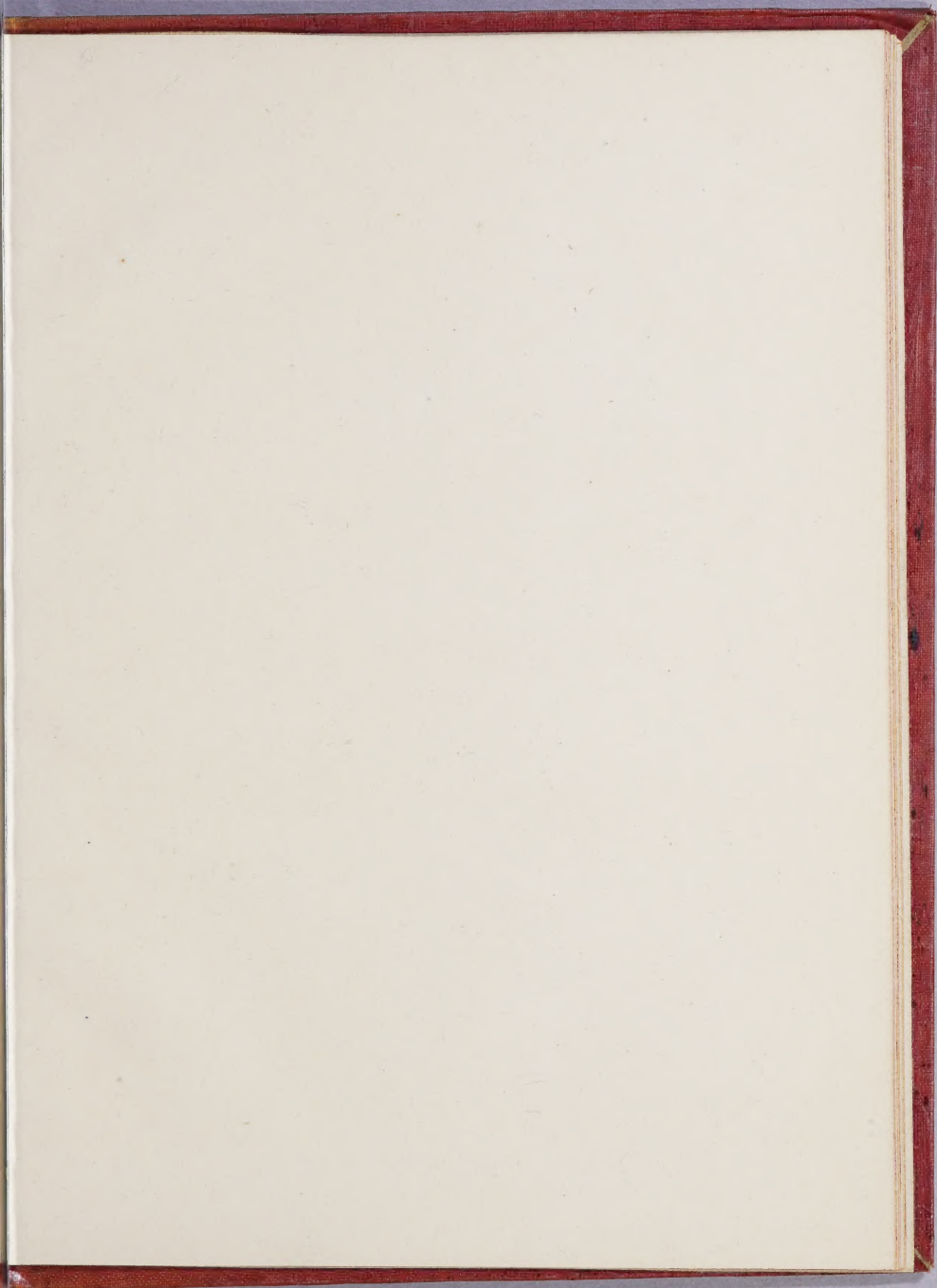
R. M.K.

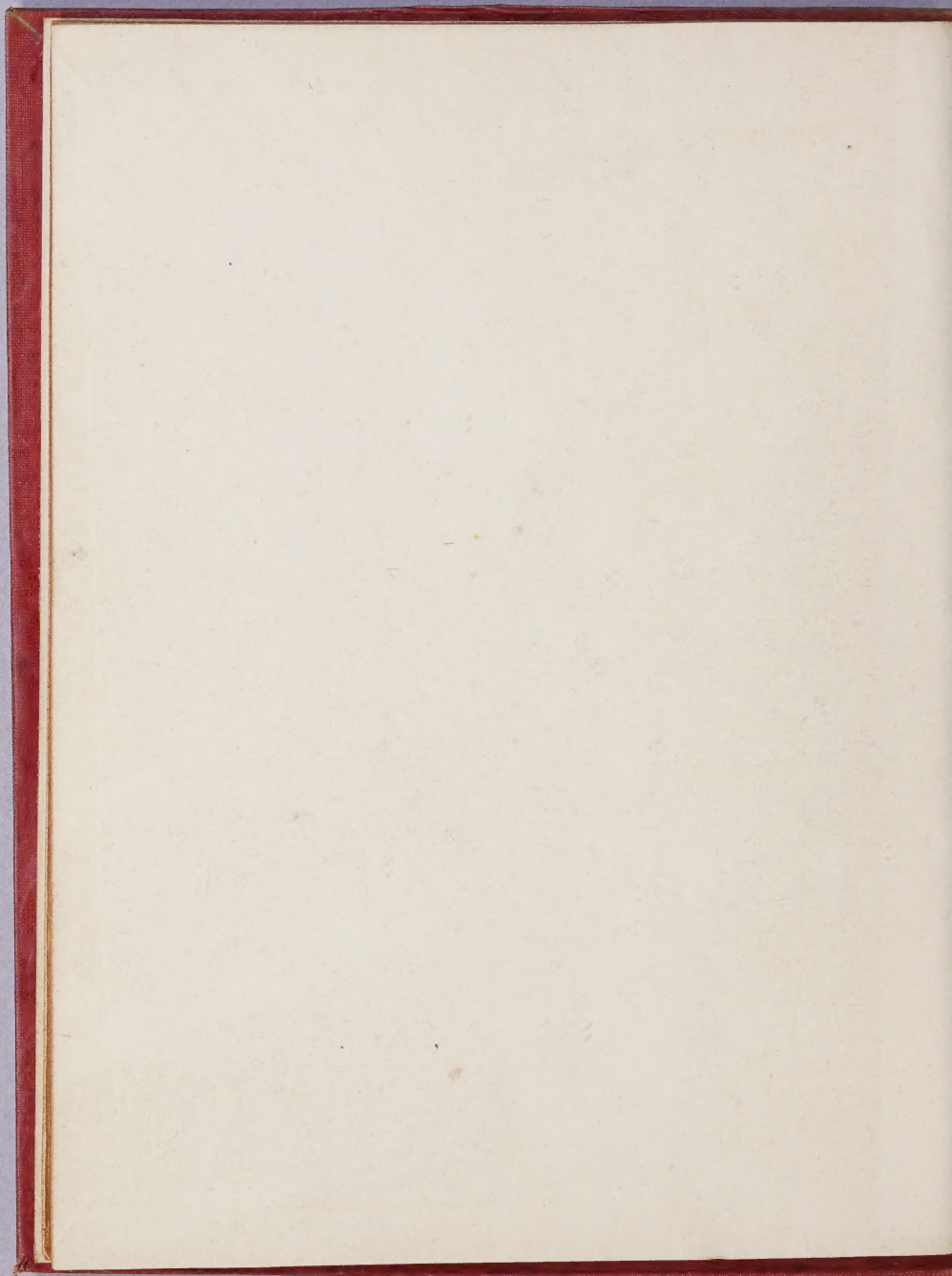












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Scott
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